CITY OF HARRISBURG ORDINANCE #2016-08,
ZONING REGULATIONS

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

CHAPTER 9.02, ZONING REGULATIONS.

1. PURPOSE AND GENERAL PROVISIONS.

1.1 PURPOSE. These regulations are based upon The Harrisburg Comprehensive Plan and Chapters 11-4 and 11-6 of South Dakota Codified Laws. These regulations are designed to carry out the goals, objectives, and policies of the Comprehensive Plan. It is the purpose of these regulations to:

* lessen congestion in the streets;
* secure safety from fire, panic and other dangers;
* promote health and the general welfare;
* provide adequate light and air;
* prevent overcrowding of land;
* avoid undue concentrations of population; and
* facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public necessities.

The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the needs of the residents of Harrisburg to control the use and development of land.

1.2 JURISDICTION. The provisions of these regulations shall apply to all territory within the boundaries of the City.

1.3 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

1.4 REPEAL OF CONFLICTING ORDINANCES. All prior zoning ordinances or parts of prior zoning ordinances in conflict with these regulations are hereby declared repealed.

1.5 SEVERABILITY AND SEPARABILITY. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part other than the part so declared to be unconstitutional or invalid.

1.6 ADMINISTRATION AND ENFORCEMENT.

1.6.1 POWERS AND DUTIES. The Planning & Zoning Administrator is hereby authorized and directed to enforce all the provisions of the Zoning Ordinance and establish rules for its administration. For such purposes he shall have the powers of a law enforcement officer. The Planning & Zoning Administrator shall have the power to render interpretations of these regulations. Such interpretations shall be within the intent and purpose of the Zoning Regulations, and be set forth in writing. In addition, the Planning & Zoning Administrator may appoint or solicit technical advice, inspectors, city officials and other city employees to assist with the administration of the Zoning Regulations. The Planning & Zoning Administrator shall be a City employee, with work week, hours of work and salary to be determined by the City Council or another person approved by the City Council. With approval of the City Council, the Mayor shall appoint the Planning & Zoning Administrator.

1.6.2 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of these regulations, the Planning & Zoning Administrator and authorized representatives may enter such building or premises at all reasonable times to inspect. Provided such building or premises is occupied, the Planning & Zoning Administrator or authorized representative shall first present proper credentials and request entry. If such building or premises is unoccupied, the Planning & Zoning Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Planning & Zoning Administrator or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Planning & Zoning Administrator or authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect to promptly permit entry.

1.6.3 STOP ORDER. Whenever any work or use is being done contrary to the provisions of these regulations, the Planning & Zoning Administrator may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work or use until authorized by the Planning & Zoning Administrator to proceed with the work or use.

1.7 PENALTIES FOR VIOLATION. Violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions established in the granting of Variances, shall constitute a Class 2 Misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction be subject to the penalties established by South Dakota law. Each day such a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, or premises, any architect, builder, contractor, agent, or other

person who commits, maintains, assists in, or participates in such violation may be found guilty of a separate offense and suffer the penalties provided.

2. DISTRICTS AND BOUNDARIES.

2.1 GENERALLY.

A. Any use not expressly permitted in a particular district may be prohibited unless such use exists on the effective date of these regulations and qualifies as a nonconforming use or unless a Conditional Use Permit is granted to allow such use as provided for in these regulations.

B. Non-compliance with zoning district lot, yard, or related requirements or non-compliance with these zoning regulations shall be prohibited unless a Variance is first granted as provided for in these regulations.

2.2 DISTRICTS DESIGNATED. The City is hereby divided into the following districts:

NR: Natural Resource
A-1: Agricultural
R-1: Residential – Single-Family Detached
R-2: Residential – Low Density
R-3: Residential – Multi-Family
R-4: Residential – High Density
CB: Central Business
GB: General Business
LI: Light Industrial
HI: Heavy Industrial

2.3 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following platted lot lines or city limits shall be interpreted to follow such platted lot lines or city limits;

B. Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks;

C. Boundaries indicated as approximately following the center lines of streets or other rights-of-way, or streams or other bodies of water, shall be interpreted to follow such center lines;

D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the

ground are at variance with those shown on the Official Zoning Map, the Planning & Zoning Administrator shall interpret the district boundaries;

E. Where a district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the City may permit, as a Zoning Amendment, the extension of the regulations for either portion of the lot into the remaining portion of the lot.

2.4 ANNEXATIONS AND DISTRICT BOUNDARIES. In all territories which may hereafter be annexed to the City, the City Council may designate the zoning of the property as part of the resolution it adopts to approve the annexation of the property.

2.5 AMENDMENTS AND CHANGE OF ZONE. Zoning amendments and change of zones are changes to the City's Zoning Regulations. Applications for amendment may be submitted by either the City or any owner of land within the City. The regulations, restrictions and boundaries set forth in these regulations may from time to time be amended, supplemented, or repealed, provided however, that no such action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.

The following procedure for requesting an amendment shall be followed:

A. The Planning & Zoning Administrator shall review the application for amendment or change of zone and forward the application and his/her comments to the Commission for review.

B. The Planning & Zoning Administrator shall set the date, time and place for a Commission public hearing. The Planning & Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City. Such notice shall be published once not less than ten days prior to the public hearing. A sign shall be posted on the property for a continuous period of at least seven days immediately prior to any public hearing held by the Commission to consider any rezoning application.

C. A public hearing shall be held by the Commission. Any person may appear in person, or by agent or attorney, at the public hearing. Minutes of the public hearing shall be recorded and kept in the records of the Commission.

D. The Commission shall recommend approval, approval with conditions, or denial of the application to the City Council.

E. The Planning & Zoning Administrator shall then set the date, time and place for a City Council public hearing. The Planning & Zoning Administrator shall publish a notice of the public hearing in a legal newspaper of the City. Such notice shall be published once not less than ten days prior to the public hearing. A sign shall be posted on the property for a continuous period of at least seven days immediately

prior to any public hearing held by the City Council to consider any rezoning application.

F. The City Council shall approve, approve with conditions, or deny the application and, if approved, adopt an ordinance describing the amendment or change of zone to these Zoning Regulations and to the Official Zoning Map, in accordance with standard procedures for reading, approval, publication and effective date.

G. Re-Application: No applicant requesting a zoning amendment whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Commission or City Council shall be again considered by the Commission before the expiration date of six months from the date of the final action on the application.

2.6 ADOPTION OF THE OFFICIAL ZONING MAP. The Official Zoning Map for the City, dated September 19, 2016, is hereby adopted by reference and declared to be a part of these regulations.

2.7 CHANGES TO THE OFFICIAL ZONING MAP. Changes to or replacement of the Official Zoning Map shall require amendment of these regulations by ordinance, as provided for in these regulations.

3. DISTRICT REGULATIONS.

3.1 NR: NATURAL RESOURCE DISTRICT. The purpose of this district is to preserve lands best suited for natural drainage areas, public open space, outdoor recreation, and nature corridors from encroachment by incompatible uses. This district will serve to provide protection from floods and erosion, protect views, preserve natural settings for wildlife habitats, add to the aesthetic quality of the community, offer outdoor recreation opportunities, and lessen urban density.

3.1.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Cemeteries	See Section 5.06.
Drainageways	No structures allowed.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Fences	See Section 4.04.

Golf courses	One freestanding sign allowed.
Outdoor recreation facilities	The site shall be adequate to accommodate the intended use(s), parking, and buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust, or blowing debris. One freestanding sign allowed.
Public open space/greenways	
Public parks and playgrounds	
Public utility facilities	
Telecommunications facilities on an existing support structure	See Section 5.22.

3.1.2 CONDITIONAL USES.

Use	Use-Specific Standards
Campgrounds and RV Parks	See Section 5.05. One freestanding sign allowed.
Outdoor entertainment facilities	The site shall be adequate to accommodate the intended use(s), parking, and buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust, or blowing debris. One freestanding sign allowed.
Solar energy systems	See Section 5.21.
Wind Energy Conversion Systems	See Section 5.26.

3.1.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values.

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height

All Uses	6,500 sq. ft.	50 feet	25 feet	10 feet	20 feet	35 feet

3.2 A-1: AGRICULTURAL DISTRICT. The purpose of this district is to preserve the agricultural and rural use of land until such time as these lands are ready to urbanize and be rezoned in conformance with the Comprehensive Plan and amendments thereto. This District is not intended to allow new intensive uses such as confined animal feeding units, dairies, fish farms, confined fowl feeding units, or feedlots that are, by their nature, incompatible with nearby residential or commercial districts.

3.2.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Agriculture	
Agriculturally-related commercial	
Bed and breakfast establishments	See Section 5.04.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Farm dwellings, single-family detached	
Farmers' markets, temporary	See Section 5.10.
Fences	See Section 4.04.
Golf courses	
In-home family day care facilities	See Section 5.07.
Kennels	Kennels shall be a minimum of 500' from any residential zoning district.
Large-animal veterinary clinics	See Section 5.25.
Minor home occupations	See Section 5.11.
Neighborhood utility facilities	
Pet boarding facilities	
Public utility facilities	

Small-animal veterinary clinics	See Section 5.25.
Telecommunications facilities on an existing support structure	See Section 5.22.

3.2.2 CONDITIONAL USES.

Use	Use-Specific Standards
Campgrounds and RV Parks	See Section 5.05.
Major home occupations	See Section 5.11.
One additional single-family dwelling	Said dwelling shall be located within the farmstead perimeter when the parcel size is at least 40 acres. Not located within a FEMA Flood Hazard Area.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.2.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	1 acre	150 feet	25 feet	10 feet	20 feet	35 feet

3.3 R-1: SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT. The purpose of this district is to provide for residential areas with single-family, detached dwellings and similar development.

3.3.1 PERMITTED USES

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Fences	See Section 4.04.

In-home family day care facilities	See Section 5.07.
Manufactured homes.	See Section 5.13.
Minor home occupations	See Section 5.11.
Public parks and playgrounds	
Single-family detached dwelling units	
Telecommunications facilities on an existing support structure	See Section 5.22.
Water supply facilities	

3.3.2 CONDITIONAL USES

Use	Use-Specific Standards
Bed and breakfast establishments	See Section 5.04.
Keeping of chickens.	Permit required. See Section 5.12.
Major home occupations	See Section 5.11.
Planned Unit Developments	See Section 5.19.
Solar energy systems	See Section 5.21.
Wind Energy Conversion Systems	See Section 5.26.

3.3.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. Lot coverage shall not exceed 50%.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Ht.
All Uses	6,500 sq. ft.	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.

Exceptions:

#1 A single-family detached dwelling may be constructed on a lot-of-record which has less area or less width than herein required.
#2 There shall be a required front yard on each street side of a double-frontage lot.
#3 There shall be a required front yard on each street side of a corner lot.
#4 One required front yard may be reduced to twenty feet on corner lots.

3.4 R-2: LOW DENSITY RESIDENTIAL DISTRICT. The purpose of this District is to provide for areas of low residential density. This district provides for single-family detached dwellings, single-family attached dwellings, low density multi-family dwellings, and such supportive community facilities as parks, playgrounds, schools, and churches. Nonresidential services permitted in this district shall provide for auxiliary services.

3.4.1 PERMITTED USES

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Duplexes	
Fences	See Section 4.04.
In-home family day care facilities	See Section 5.07.
In-home group day care facilities	See Section 5.08.
Manufactured homes	See Section 5.13.
Minor home occupations	See Section 5.11.
Municipal service buildings	One freestanding sign allowed.
Public parks and playgrounds	
Quadplexes	
Schools	One freestanding sign is allowed. Side yards may be up to four times the normal side yard for this district. At least one property line shall abut upon an arterial or collector street
Single-family attached dwelling units	This includes townhomes and condominiums.
Single-family detached dwelling units	
Telecommunications facilities on an existing support structure	See Section 5.22.
Triplexes	
Water supply facilities	

3.4.2 CONDITIONAL USES.

Use	Use-Specific Standards
Bed and breakfast establishments	See Section 5.04.
Churches	One property line shall abut upon an arterial or collector street. One freestanding sign allowed.
Group homes	Structure must be a single housekeeping unit. Design, operating, and licensing requirements of appropriate state and federal agencies must be met.
Keeping of chickens.	Permit required. See Section 5.12.
Major home occupations	See Section 5.11.
Medical and dental clinics	One freestanding sign allowed.
Planned Unit Developments	See Section 5.19.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.4.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. Lot coverage shall not exceed 50%.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Duplexes, Triplexes, and Quadplexes	3,000 sq. ft. per unit	60 ft.	25 ft.	7 ft.	20 ft.	35 ft.
Single-family attached dwelling units	2,000 sq. ft. per unit	20 ft. per unit	25 ft.	0 ft. or 7 ft. on nonparty wall side	20 ft.	35 ft.
Single-family detached dwelling units	6,500 sq. ft. per unit	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.

All other uses	6,500 sq. ft.	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.

Exceptions:
#1 There shall be a required front yard on each street side of a double-frontage lot.
#2 There shall be a required front yard on each street side of a corner lot.
#3 One required front yard may be reduced to twenty feet on corner lots.

3.5 R-3: MULTI-FAMILY RESIDENTIAL DISTRICT. The purpose of this district is to provide for areas of high density residential use. This district provides for single-family attached dwellings, multi-family dwellings, and such supportive community facilities as parks, playgrounds, schools, libraries, and churches.

3.5.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Day care centers	See Section 5.09.
Duplexes, Triplexes, and Quadplexes	
Fences	See Section 4.04.
In-home family day care facilities	See Section 5.07.
Long-term care facilities	
Manufactured homes	See Section 5.13.
Medical and dental clinics	One freestanding sign allowed.
Minor home occupations	See Section 5.11.
Multi-level care facilities	
Multi-family dwelling units	
Municipal service buildings	One freestanding sign allowed.
Neighborhood utility facilities	
Public parks and playgrounds	
Schools	One freestanding sign is allowed. Side yards may be up to four times the normal side yard

	for this district. At least one property line shall abut upon an arterial or collector street
Single-family attached dwelling units	This includes townhomes and condominiums.
Telecommunications facilities on an existing support structure	See Section 5.22.
Water supply facilities	

3.5.2 CONDITIONAL USES.

Use	Use-Specific Standards
Bed and breakfast establishments	See Section 5.04.
Churches	One property line shall abut upon an arterial or collector street. One freestanding sign allowed.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Group homes	Structure must be a single housekeeping unit. Design, operating, and licensing requirements of appropriate state and federal agencies must be met.
Major home occupations	See Section 5.11.
Planned Unit Developments	See Section 5.19.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.5.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. Lot coverage may not exceed 70%.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Duplexes,	3,000 sq.	60 ft.	25 ft.	7 ft.	20 ft.	35 ft.

Triplexes, and Quadplexes	ft. per unit					
Single-family attached dwelling units	2,000 sq. ft. per unit	20 ft. per unit	25 ft.	0 ft. or 7 ft. on nonparty wall side	20 ft.	35 ft.
All other uses	6,500 sq. ft.	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.

Exceptions:

#1 There shall be a required front yard on each street side of a double-frontage lot.
#2 There shall be a required front yard on each street side of a corner lot.
#3 One required front yard may be reduced to twenty feet on corner lots.
#4 The side yard shall be increased to ten feet when the building is three stories in height or more.

3.6 R-4: HIGH DENSITY RESIDENTIAL DISTRICT. The purpose of this district is to provide for high density residential areas for single-family detached dwellings.

3.6.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Campgrounds and RV Parks	See Section 5.05.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Fences	See Section 4.04.
Minor home occupations	See Section 5.11.
Neighborhood utility facilities	
Schools	One freestanding sign is allowed. Side yards may be up to four times the normal side yard for this district. At least one property line shall abut upon an arterial or collector street
Telecommunications facilities on an existing support structure	See Section 5.22.
Water supply facilities	

3.6.2 CONDITIONAL USES.

Use	Use-Specific Standards
Major home occupations	See Section 5.11.
Manufactured home courts	See Section 5.14.
Planned Unit Developments	See Section 5.19.
Pocket Neighborhoods	See Sections 5.20 and 5.23. Maximum Tiny House lot size shall be 3,500 square feet.
Solar energy systems	See Section 5.21.
Wind Energy Conversion Systems	See Section 5.26.

3.6.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. Lot coverage may not exceed 60% except in Pocket Neighborhoods where lot coverage may not exceed 40%.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Ht.
Pocket Neighborhoods	1,500 sq. ft.	30 ft.	20 ft.	5 ft.	15 ft.	25 ft.
All Other Uses	6,500 sq. ft.	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.

Exceptions:

#1 There shall be a required front yard on each street side of a double-frontage lot.
#2 There shall be a required front yard on each street side of a corner lot.
#3 One required front yard may be reduced to twenty feet on corner lots.

3.7 CB: CENTRAL BUSINESS DISTRICT. The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the City's historic commercial core area. The grouping of uses is intended to preserve and improve the character and economic vitality of downtown Harrisburg.

3.7.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.

Arcades	Shall not be located within 500 feet of an adult use.
Churches	
Commercial parking lots/ramps	
Dwellings	Not allowed below the second story.
Farmers' markets, temporary	See Section 5.10
Fences	See Section 4.04.
Gasoline dispensing stations	Gas pumps shall be at least 15 feet from property lines.
Hotels/motels	
Medical and dental clinics	
Mortuaries	
Municipal service buildings	
Offices	
Outdoor smoking shelters	See Section 5.18.
Personal service establishments	
Private clubs	
Retail trade or services	
Rooming/boarding houses	Subject to the residence being constructed above the first floor.
Telecommunications facilities on an existing support structure	See Section 5.22.

3.7.2 CONDITIONAL USES.

Use	Use-Specific Standards
Adult uses	See Section 5.01.

Automobile repair facilities	See Section 5.02.
Automobile service stations	See Section 5.03.
Day care centers	See Section 5.09.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
On/Off-sale alcoholic beverage establishments	Located at least 1,000 feet from any school or church.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Vehicle sales or rental establishments.	See Section 5.24.

3.7.3 LOT AND YARD REGULATIONS. The average front and rear yard setback existing on each street shall apply. There are no side yard, lot area, or maximum height restrictions.

3.8 GB: GENERAL BUSINESS DISTRICT. The purpose of this district is to provide a commercial area for those establishments serving the general shopping and service needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

3.8.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Arcades	Located at least 500 feet away from an adult use.
Automobile service stations/gasoline dispensing stations	See Section 5.03. Gas pumps shall be located more than 15 feet from the nearest property line.
Car washes	Water from the car wash shall be contained on the site. Any structure, vacuum, or other machinery shall be located at least one hundred feet from any residence or at least

	ninety feet from the lot line of a vacant residentially-zoned parcel.
Churches	Parking lots shall be at least eight feet from any residential property.
Commercial parking lots/ramps	
Commercial recreation facilities	
Day care centers	See Section 5.09.
Drive-in theaters	
Farm stores, feed stores	Storage of fertilizer or farm chemicals on site shall only be allowed as an accessory use.
Farmers' markets, temporary	See Section 5.10.
Fences	See Section 4.04.
Greenhouses/nurseries	
Hospitals/clinics	
Hotels/motels	
Medical and dental clinics	
Mortuaries	
Municipal service buildings	
Offices	
Outdoor smoking shelters	See Section 5.18.
Personal service establishments	
Pet boarding facilities	
Printing plants	
Private clubs	
Public utility facilities	

Retail trade or services	
Schools	Side yards may be up to four times the normal side yard for this district. At least one property line shall abut upon an arterial or collector street.
Telecommunications facilities on an existing support structure	See Section 5.22.
Vehicle sales or rental establishments.	See Section 5.24.

3.8.2 CONDITIONAL USES.

Use	Use-Specific Standards
Adult uses	See Section 5.01.
Automobile repair facilities	See Section 5.02.
Broadcast towers	Siting and separation requirements shall be the same as those for wireless communication facilities.
Bus/truck terminals	Shall be at least 300 feet from any residential district to minimize effects of diesel fumes and noise.
Campgrounds and RV Parks	See Section 5.05.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Farm implement sales, display, and service	Screening of all outdoor storage required.
Kennels	Kennels shall be at least 500' from any residential district.
Lumberyards	Screening of all outdoor storage required.
Mini-warehouses	See Section 5.17.
Off-premise signs	See Section 4.09.

On/Off-sale alcoholic beverage establishments	Located at least 1,000 feet from any school or church.
Planned Unit Developments	See Section 5.19.
Small-animal veterinary clinics	See Section 5.25.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.8.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	10,000 sq. ft.	0 to 50 feet	15 feet	5 feet	5 feet	45 feet
All Uses	10,000 sq. ft.	51 to 100 feet	20 feet	5 feet	5 feet	45 feet
All Uses	20,000 sq. ft.	101 or more feet	25 feet	5 feet	5 feet	45 feet

Exceptions:

#1 A side yard of fifteen feet shall be required where a lot is adjacent to or abuts a residential district.

#2 A rear yard of twenty feet shall be required where a lot is adjacent to or abuts a residential district.

#3 There shall be a required front yard on each street side of a corner lot and double frontage lot.

3.9 LI: LIGHT INDUSTRIAL DISTRICT. This district is intended to provide for light manufacturing, wholesale, warehousing, and service uses in an attractive business park setting.

3.9.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Automobile service stations	See Section 5.03.

Bus/truck terminals	Shall be at least 300 feet from any residential district to minimize effects of diesel fumes and noise.
Contractor's shops/storage yards	Screening of all outdoor storage required.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Farm implement sales/display/service	Screening of all outdoor storage required.
Farm stores, feed stores	See Sections 5.15 and 5.16.
Fences	See Section 4.04.
Frozen food lockers	
Light manufacturing	See Section 5.15.
Lumberyards	Screening of all outdoor storage required.
Mini-warehouses	See Section 5.17.
Offices	
Printing plants	See Section 5.15.
Public utility facilities	
Retail trade or services	Allowed only as an accessory use to the primary use of wholesaling or manufacturing.
Telecommunications facilities on an existing support structure	See Section 5.22.
Truck or bus washes	All water from the truck or bus wash shall be contained on the site.
Truck repair, sales, and service	Screening of all outdoor storage required.
Vehicle sales or rental establishments.	See Section 5.24.
Warehouses	Materials stored on the premises shall be rated at level 1 or below in the Fire Protection Guide on Hazardous Materials.

Wholesale trade

3.9.2 CONDITIONAL USES.

Use	Use-Specific Standards
Automobile repair facilities	See Section 5.03.
Automobile storage yards	Screening of all outdoor storage required.
Broadcast towers	Siting and separation requirements shall be the same as those for wireless communication facilities.
Off-premise signs	See Section 4.09.
Recycling collection or processing facilities	Screening of all outdoor storage required.
Solar energy systems	See Section 5.21.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.9.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. A parking lot is not included as a portion of a side yard or rear yard.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	20,000 sq. ft.	75 feet	25 feet	10 feet	20 feet	45 feet

Exceptions:

#1 A conditional use permit will be required for any structure having a maximum height exceeding forty-five feet.

#2 A side yard of fifteen feet shall be required where a lot is adjacent to or abuts a residential district.

#3 A rear yard of twenty-five feet shall be required where a lot is adjacent to or abuts a residential district.

#4 There shall be a required front yard on each street side of a corner lot and double frontage lot.

3.10 HI: HEAVY INDUSTRIAL DISTRICT. This district is intended to provide for general industrial uses which may create some nuisance and which are not properly associated

with, nor compatible with residential, office, or commercial uses. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

3.10.1 PERMITTED USES.

Use	Use-Specific Standards
Accessory structures	See Section 4.01.
Automobile repair facilities	See Section 5.02.
Bus/truck terminals	
Contractor's shops/storage yards	Screening of all outdoor storage required.
Electrical substations	An opaque screen six feet in height shall be located at all setback lines.
Fences	See Section 4.04.
Frozen food lockers	
Fruit and vegetable canning and/or processing facilities	See Section 5.15.
General manufacturing other than those listed	See Sections 5.15 and 5.16.
Mini-warehouses	See Section 5.17.
Public utility facilities	
Retail trade or services	Allowed only as an accessory use to the primary use of wholesaling or manufacturing.
Telecommunications facilities on an existing support structure	See Section 5.22.
Truck or bus washes	All water from the truck or bus wash shall be contained on the site.
Truck repair, sales, and service	Screening of all outdoor storage required.

Warehouses	Materials stored on the premises shall be rated at level 1 or below in the Fire Protection Guide on Hazardous Materials.
Wholesale trade	

3.10.2 CONDITIONAL USES.

Use	Use-Specific Standards
Airports	Airport traffic shall not travel on residential streets and the airport will not be within ½ mile of a residential district.
Automobile storage yards	Screening of all outdoor storage required.
Broadcast towers	Siting and separation requirements shall be the same as those for wireless communications facilities.
Distillation of products	See Sections 5.15 and 5.16.
Grain terminals, grain processing	See Section 5.15.
Manufacture or storage of electric transformers	See Sections 5.15 and 5.16.
Manufacture of: acid, alcohol, ammonia asphalt, bleach, cement, chlorine, dyestuffs, explosives, fertilizer, glue, gypsum, lime, oils, paint, plaster of paris, shellac, sizing, turpentine, or yeast	See Sections 5.15 and 5.16.
Off-premise signs	See Section 4.09.
Paper manufacturing, smelting, boilerworks	See Sections 5.15 and 5.16.
Quarries	The quarry shall be located at least 1,000 feet from commercial or residential districts. See Sections 5.15 and 5.16.
Recycling collection or processing facilities	All outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height and all processing

	operations must be fully enclosed within a building. See Section 5.15.
Refining facilities	Facility shall not be located within ½ mile of a residential district. See Sections 5.15 & 5.16.
Rendering facilities	Facility shall not be located within ½ mile of a residential district. See Sections 5.15 & 5.16.
Salvage yards	Facility shall be sited off the main thoroughfares of the City, located at least ½ mile from any residential district, and be screened from view. The owner shall agree to control rodents as a condition of the CUP.
Solar energy systems	See Section 5.21.
Solid waste transfer facilities	Facility shall not shall not be located within ½ mile of a residential district. See Section 5.15.
Stockyards/slaughtering of animals	See Section 5.15.
Tank farms, petroleum products terminals	See Sections 5.15 and 5.16.
Telecommunications facilities	See Section 5.22.
Wind Energy Conversion Systems	See Section 5.26.

3.10.3 LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and yard depth are minimum values. A parking lot is not included as a portion of a side yard or rear yard.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	20,000 sq. ft.	100 feet	25 feet	5 feet	5 feet	55 feet

Exceptions:

#1 A conditional use permit will be required for any structure having a maximum height exceeding forty-five feet.

#2 A side yard of twenty feet shall be required where a lot is adjacent to or abuts a residential district.

#3 A rear yard of twenty-five feet shall be required where a lot is adjacent to or abuts a residential district.

#4 There shall be a required front yard on each street side of a corner lot and double frontage lot.

4. USE REGULATIONS APPLICABLE TO ALL DISTRICTS.

The purpose of this section is to identify regulations applicable to all uses in all zoning districts, whether such use is permitted by right or the use requires a Conditional Use Permit.

4.1 ACCESSORY USES AND STRUCTURES. Accessory uses and structures shall conform to the following standards:

A. Residential accessory structures located ten feet or more from the main building and set back at least sixty feet from all front property lines may be erected no closer than three feet from the side and rear property lines. In all cases, accessory structures shall not occupy more than thirty percent of the rear yard. A garage which is entered directly from the alley shall not be closer than twenty feet to the alley lot line.

B. A garage shall not be used for dwelling, commercial, or industrial purposes. The use of corrugated sheet metal for exterior garage walls is prohibited. The side wall height of a garage shall not exceed ten feet.

C. Each accessory building shall be secured to the ground to prevent the structure from being moved or damaged by high winds.

D. Accessory buildings shall not be used for dwelling purposes.

E. A maximum of two accessory buildings shall be allowed on any parcel in a residential district.

1. Detached garages in R-1, R-2, or R-4 Residential Districts shall count as one accessory building, with a maximum allowable size of 720 square feet.

2. All other accessory buildings in the R-1, R-2, or R-4 Residential Districts shall have a maximum allowable size of 300 square feet.

4.2 ADJUSTMENTS TO YARD REGULATIONS.

A. A front yard may be adjusted to an average of the adjacent structures' front yards where existing adjacent structures have a front yard less than required.

B. Buildings constructed prior to the effective date of these regulations with side yard setbacks of less than required by these regulations may have additions erected in line with the existing building and further provided that said addition will be erected no closer to the lot line than the existing building.

C. Every part of any required yard shall be open to the sky and unobstructed except:

1. Eaves may project into a front, side, or rear yard;

2. Ordinary projection of sills, belt courses, cornices, vertical solar screen, or ornamental features which may project up to twelve inches from the building;

3. Air conditioners may project up to three feet from the building;

4. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten feet while balconies and paved terraces may project six feet into a required front yard; and

5. Terraces, uncovered porches, platforms, decks, and ornamental features which do not extend above the ground-level (first) floor may project into a required yard, provided these projections be at least three feet from the adjacent side or rear lot line.

6. Paved, at-grade parking pads may project into a side yard, provided that the outside edge of such pads cannot be built closer than three feet from the adjacent side lot line.

4.3 ARCHITECTURAL STANDARDS. These standards are intended to promote the general welfare of the community as well as protect the value of its buildings and property. Additionally, these standards serve to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development. However, it is not the intent of these standards to unduly restrict design freedom or to apply a particular architectural style to all structures.

A. COMMERCIAL AND INDUSTRIAL STANDARDS. The following standards shall apply to commercial and industrial buildings:

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, glass, or comparable materials;

2. The front façade of the building should address its primary access street with entrances, windows, and architectural features facing the street. No overhead door or docking bays shall face the street, unless first approved by the Building Official based upon a finding that the door is recessed back from the front façade and properly screened from public view. In the case where the side and/or rear facades face a street, or if parking is located at the side or rear of a building, the façade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building;

3. Variation in architectural details will be encouraged to provide visual variation and interest;

4. Windows in a commercial building in areas fronting its primary access street or with entrances used by the public should cover at least thirty percent of the front façade and be at eye level. Windows may be constructed from reflective glass for office uses, but shall not be used for retail stores of any kind;

5. All mechanical equipment, including but not limited to heating, ventilating, and air conditioning equipment, and antennae, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops, it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment;

6. Lighting shall comply with the following standards when the property is adjacent to or within one hundred and fifty feet of a residential district:

    a. The maximum height of light luminaries shall be twenty-five feet above the ground.

    b. Canopy luminaries and other on-site lighting with luminaries greater than 2,000 lumens shall include a 90-degree cut-off type deflector, refractor, or forward throw light fixture.

    c. The maximum canopy luminaries lamp wattage shall be determined by the following industry standard:

        Canopy length (in feet) x canopy width (in feet) x 3 = Maximum Luminaries Lamp Wattage

    d. Submittal of photometric plans shall be required with all site plans for building projects on property with lighted parking lots or lighted canopies.

    e. The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

7. Façade colors shall be of a low reflectance, subtle or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may consist of brighter colors, but neon tubing as a building accent is prohibited;

8. Long, massive, unbroken, or monotonous building facades shall be prohibited;

9. Building facades greater than one hundred feet in length shall incorporate recesses and projections along at least twenty percent of the façade;

10. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture, and material modules;

11. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest;

12. All signs shall conform to the general design theme of the development;

13. Size and height of buildings should be compatible with the character and existing views of the surrounding area;

14. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment; and

15. All loading and unloading areas, as well as docking bays shall be maintained and kept free of trash or litter.

B. MULTI-FAMILY RESIDENTIAL STANDARDS. The following standards shall apply to multi-family residential buildings:

1. Exterior building material shall be composed of high quality, durable low maintenance material, such as masonry, stone, brick, glass, or comparable materials;

2. Variation in architectural details will be encouraged to provide visual variation and interest;

3. In the case where the side and/or rear facades face a street, or if parking is located at the side or rear of a building, the façade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building;

4. All mechanical equipment, including but not limited to heating, ventilating, and air conditioning equipment, and antennae, shall be placed in an inconspicuous location or screened from view. If the equipment is placed on a rooftop, it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment;

5. Long, massive, unbroken, or monotonous building facades shall be avoided;

6. All signs shall conform to the general design theme of the development;

7. Size and height of buildings should be compatible with the character and existing views of the surrounding area; and

8. The existing character of the site and nearby area should be the starting point for the design of the building and all site treatment.

C. SINGLE-FAMILY DWELLING STANDARDS. Single-family dwellings and any additions, alterations, or accessory buildings larger than one hundred square feet thereto, erected, or placed in the City shall conform to the following regulations:

1. The dwelling shall comply with all pertinent building, construction, and fire codes;

2. The heated living area of the dwelling, except for Tiny Homes, shall be large enough to contain within it a square of twenty feet per side. This size requirement shall not make any dwelling units existing on the effective date of these regulations non-conforming so that they cannot be enlarged or otherwise improved;

3. The dwelling shall be firmly attached to a permanent foundation in compliance with the City's Building Code;

4. The roof shall have a minimum 4/12 pitch; and

5. These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy-conservation devices, view, unique land contour, or relief from the common or standard designed home.

4.4 FENCES. Fences may be installed if they meet or exceed the following use-specific standards:

A. No Person shall hereafter install, construct, erect, or relocate, or cause to be installed, constructed, erected, or relocated within the municipal limits any fences of any character or material without having first been issued a City Building Permit for the fence. Replacing or maintaining, or causing to be replaced or maintained, any fence or section of fence with the same type of fence, location, and design shall not require a permit.

B. Any fence installed without an approved City Building Permit shall be deemed to be in violation of the City's Building Code and shall be subject to the imposition of a late application fee and other penalties.

C. No fence shall be installed which violates the City's regulations for visibility at intersections.

D. The installation of a fence shall be in a manner that provides access for utility employees for the purpose of reading utility meters.

E. The side of the fence considered as the face of the fence should be installed towards abutting property.

F. Barbed wire or electric fences (except buried pet barriers) may be installed or replaced only on properties located in the City's Agricultural Zoning District. Additionally, security fences installed in Business or Industrial Zoning Districts may be topped by barbed wire between the heights of six and eight feet above ground level.

G. The height of fences shall be measured from the highest grade elevation on either side of the plane of the fence to the top of the fence and shall not include decorative items attached to the fence or its posts.

H. Fences not more than six feet in height may be installed on any part of a lot located in a Residential Zoning District except within the front yard where the fence height may not exceed four feet.

I. Fences not more than eight feet in height may be installed on any part of a lot located in a Business or Industrial Zoning District except in the front yard, where fences may not be installed.

J. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks, and ballparks shall be eight feet and for public tennis courts twelve feet.

K. The City recommends that a property owner intending to install a fence on his property line or connecting onto a neighbor's existing fence have abutting property owners sign a fence consent agreement prior to the installation of the fence. The agreement may be filed as part of the Building Permit record with the City.

4.5 GENERAL LANDSCAPING AND BUFFERING REQUIREMENTS. It is the desire of the City to encourage development which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, the following minimum standards shall be met or exceeded:

A. Within all zoning districts, at least ninety percent of the required front yard setback shall be landscaped and maintained with grass or other living ground cover except for that portion of the front yard which is paved for the driveway or off-street parking.

B. Within R-2, R-3, GB, CB, LI, and HI districts, one tree per fifty feet of lot width is required. No more than twenty percent of the trees may be planted in the street

right-of-way. No more than twenty-five percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

C. The area between the street paving or curb line and the property line or sidewalk, with the exception of driveways and walkways, shall be used exclusively and maintained as landscaped area with grass or other living ground cover. Commercial and industrial development may submit an alternate landscaping plan for approval with the building permit site plan.

D. Required landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be at least 1 3/4-inch caliper and all deciduous ornamental trees shall be at least 1 1/4-inch caliper. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.

E. All off-street parking lots, whether or not located on the same lot as the use to which it is accessory, shall meet the following perimeter landscaping requirements:

1. A landscaping strip with a minimum width of five feet shall be located between the parking lot and the adjoining lot lines.

2. A minimum of one shade tree for every fifty feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or with low shrubs shall be used as the primary landscape materials.

3. A fence, wall or shrubbery six feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially zoned property or across right-of-way from residentially zoned property. Berms or other landscaping techniques may be used for all or part of the six foot screening if they have a maximum grade of four feet horizontal to one foot vertical and sodded or planted with other acceptable materials.

4. The Commission may modify the perimeter landscaping requirements.

F. Within GB, CB, LI, and HI districts, all service structures, such as dumpsters, propane tanks, air conditioning units, or related equipment or elements providing service to a building or site, shall be fully screened to a six-foot minimum height with landscaping and/or a fence or wall.

4.6 NON-CONFORMING USES. A legally non-conforming use or structure existing at the time these regulations are adopted or amended may continue even though such use does not conform to the district regulations, subject to the following provisions:

A. If no structural alterations are made, a nonconforming use or structure may be changed to another nonconforming use or structure of the same or more restrictive zoning district.

B. Whenever a nonconforming use or structure has been changed to a more restrictive or conforming use, it shall not be changed back to a less restrictive use.

C. Should any nonconforming use or structure be destroyed by any means to the extent of more than fifty percent of its replacement cost, such nonconforming use shall not continue.

D. When a nonconforming use or structure is discontinued for a period of one year, the City Council may adopt, after notice by certified mail to the property owner, an amortization schedule to bring about the gradual elimination of such nonconforming use.

E. Any nonconforming use may be extended throughout any part of a structure which was arranged or designed for such use previous to the adoption of these regulations, but shall not be extended outside such structure.

F. No existing nonconforming use or structure shall be enlarged, moved, or structurally altered except to change to a permitted use. This is not to include normal repairs and maintenance which do not enlarge, move or structurally alter a nonconforming use.

4.7 OFF-STREET LOADING. There shall be provided at the time any non-residential or mixed use building is erected or structurally altered, paved off-street loading spaces complying with the following standards:

Use	Gross square feet of floor area	Number of Off-street loading spaces
Office Buildings	25,000 - 50,000	One 14' x 35' space
	every additional 75,000	Add one 14' x 35' space
Retail, Service, and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000	One 14' x 35' space
	20,000 - 100,000	Two 14' x 35' spaces
	Every additional 75,000	Add one 14' x 35' space

Other uses not specified above shall have minimum off-street loading spaces as determined by the Planning & Zoning Administrator.

4.8 OFF-STREET PARKING.

A. General requirements:

1. Off-street parking is prohibited except as provided otherwise in these regulations.

2. Off-street parking in front yards: Off-street parking in front yards is allowed in residential zoning districts only on a paved driveway that leads to a garage entrance or to a parking pad in a side yard. Such driveways may not exceed thirty-six feet in width. Off-street parking in front yards is allowed in all zoning districts other than single-family residential districts only on a paved driveway or on a paved parking lot. Such driveways shall not exceed thirty-six feet in width except where semi-truck traffic is expected when the width shall not exceed forty-two feet.

3. Off-street parking in side yards: Off-street parking in side yards is allowed in single-family residential zoning districts only on a paved parking pad that is adjacent to the residence. Such paved parking pads shall be placed no closer than three feet from the side property line nor shall such pads extend into the front or rear yard. Off-street parking in side yards is allowed in all zoning districts other than single-family residential districts only on a paved parking lot.

4. Off-street parking in rear yards: Off-street parking in rear yards is not allowed in residential zoning districts except on those lots between Willow and Walnut Streets and between Columbia Street and South Perry Lane, plus those lots east of Emmett Trail that abut Willow Street, that have an existing gravel- or paved-surface driveway or parking pad in their rear yard. Off-street parking in rear yards is allowed in all non-residential zoning districts only on a paved parking lot.

5. Each off-street parking space shall be directly accessible to a driveway or an access aisle and shall not occupy a public right-of-way or access easement.

6. Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a manufacturer's gross vehicle weight rating of ten thousand or more pounds in a NR or residential zoning district, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

7. All off-street parking, loading, maneuvering, and drive areas shall be paved with asphalt or concrete.

B. Required spaces: In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result from these

computations, the number of parking spaces required shall be rounded up to the nearest whole number. The number of off-street parking spaces required shall be:

USE	MINIMUM REQUIREMENTS
Auditoriums, theaters, and places of pubic assembly	1 space for each four seats of design capacity.
Bowling alleys	4 spaces per lane.
Car wash	Five off-street parking spaces for each wash bay in addition to off-street parking requirements.
Church or Temple	1 space for each 2 seats in the main seating area.
Day care center, Group day care	1 space for each employee on the largest working shift, plus 1 space for each 10 persons cared for in the facility. Additional parking or a designated area for drop-off and pick-up may be required.
Eating and Drinking Places	1 space for each one hundred square feet of gross floor area or 1 space for each three seats, whichever is greater.
Elementary or Middle School	2 spaces for each classroom or office room, plus 1 space for each one hundred fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Funeral homes	1 space for each four seats in the chapel.
High School	4 spaces for each classroom or office, plus 1 space for each one hundred and fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Hospitals	1 space for each bed.

Hotels and Motels	1 space for each rental room.
Industrial uses	1 space for each two employees on the largest working shift.
Manufactured home parks	2 spaces for each manufactured home lot.
Medical and dental clinics	1 space for each two staff members/ full-time employees, plus 1 space for each six hundred square feet of gross floor area.
Nursing, convalescent, rest homes	1 space for each three beds.
Private club or lodge	1 space for each three hundred square feet of floor area.
Retail sales establishments	1 space for each three hundred square feet of floor area.
Rooming and boarding houses, sororities, and fraternities	1 space for each two hundred square feet of floor area or 1 space per two beds, whichever is greater.
Service establishments	1 space for each three hundred square feet of floor area.
Single- or multi-family dwellings	2 spaces for each dwelling unit.
Wholesale and distribution establishments	1 space for each two employees on the largest working shift.

All other uses not specified above shall have minimum off-street parking spaces as determined by the Planning & Zoning Administrator. "Planning and Urban Design Standards" by APA and "Transportation Planning Handbook" by ITE may be used as the basis for determining such parking spaces.

4.9 SIGN REGULATIONS. The purpose of this section is to protect the safety of and promote the orderly development of the community through the regulation of signs and sign structures.

A. This Section only pertains to signs that are located outside or on the outside of a structure.

B. Sign permits shall be reviewed and approved by the Commission. The Commission may apply conditions to the approval of a sign permit or may deny a sign permit if the proposed sign does not meet the requirements of these regulations.

C. A sign permit is required in order to put up a freestanding, roof, or projecting sign. A sign permit is also required for wall signs if more than three wall signs are proposed for a building or if the total sign face area for proposed wall signs on a building exceeds 300 square feet. If a sign is installed without a sign permit, a late application fee of four times the sign fee will be added to the permit fee at the time the permit is submitted.

D. Additional freestanding signs are not allowed on a property where a freestanding sign already exists. A new freestanding sign cannot be erected on such a property without razing the existing sign nor can improvements beyond normal maintenance and minor updates, such as changing out tenant spaces, be made to the existing sign without an approved sign permit.

E. Signs with blinking, flashing, or fluttering lights, digital messages or pictures, intermittent sequential lighting, cinematic projection, or electronic and electrical processes using illumination to depict something with motion, movement, changing scenes, or messages are required to obtain a sign permit.

F. One freestanding sign may be located on any parcel except parcels within NR and residential zoning districts (unless otherwise specifically allowed by use-specific standards in these regulations). If a principal building is not present on the parcel, a Conditional Use Permit is required to place such a sign.

G. Signs or supporting structures shall not be located upon or over any portion of a right-of-way of any public street, alley, trail, or thoroughfare.

H. Abandoned signs shall be removed or brought into compliance within ninety days of written notice from the Planning & Zoning Administrator. Signs are considered abandoned if the business, promotion, or event is no longer approaching, taking place, or in existence.

I. Signs shall be maintained in a safe and legible condition at all times. Unsafe signs shall be removed immediately or brought into compliance upon written notice from the Planning & Zoning Administrator.

J. The light from any illuminated sign shall be so shielded, shaded, or directed so that the light shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private streets.

K. Signs are required to be secured to the ground or to a structure.

L. Roof signs are allowed in business zoning districts and within Planned Unit Developments (subject to conditions of approval of the CUP). Roof signs shall not project more than ten feet above the roof line and shall not exceed 160 square feet in sign face area.

M. Projecting signs are allowed in business zoning districts and within Planned Unit Developments (subject to conditions of approval of the CUP). The edges of projecting signs shall be at least fourteen feet above grade but no more than ten feet above the roof line or away from the wall face they are attached to. Sign face area for projecting signs shall not exceed 160 square feet and no more than two sign faces shall be allowed per projecting sign.

N. Freestanding signs, where allowed, shall not exceed a height of twenty feet, shall have a sign face area that does not exceed 160 square feet per sign face, and shall have no more than two sign faces.

O. Signs shall be designed and installed to withstand snow and wind loads, as provided in the City's Building Code.

P. All signs and sign structures shall be subject to inspection by the Planning & Zoning Administrator.

Q. No sign shall: advertise or display words or pictures of obscene or pornographic material; emit sound, odor, or visible matter; appear similar to traffic control signs or signals and/or display words such as "Stop", "Go", "Danger", or "Warning"; or obstruct the view of traffic or of traffic control signs, signals, or lights in a public right-of-way.

4.9.1 TEMPORARY SIGN REQUIREMENTS.

A. A sign permit is not required to place a temporary sign.

B. Temporary signs are allowed unless otherwise prohibited. All temporary signs are subject to the following regulations:

1. No sign may encroach in any manner, including overhang, a public right-of-way;

2. No sign may be attached to a traffic sign, street-name sign, or utility pole;

3. No sign may interfere with visibility at an intersection or driveway;

4. No sign face area shall exceed 100 square feet;

5. A sign shall be removed if it becomes torn, faded, or otherwise damaged; and

6. A sign shall be securely attached to a sign support or building.

C. Any temporary sign installed or placed, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation.

4.9.2 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

A. The following signs need no sign permit, but shall conform to the requirements of these regulations:

1. Pedestrian, traffic, and parking directional signs in parking lots, provided such signs are less than eight square feet in area and six feet in height. Such signs shall not be included in determining allowable signage.

2. Traffic, street-name, warning, or railroad-crossing signs, or signs of public service companies for the purpose of safety.

3. Signs or posters affixed to or painted on a display window. This shall include illuminated signs.

4. Flags, badges, or insignia of any government, governmental agency, or any civic, religious, fraternal or similar organization; provided such are less than thirty-two square feet in area.

5. Emergency signs required by any governmental agency.

6. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material.

7. Home occupation signs attached to the wall of a dwelling and not exceeding one square foot in area.

4.10 VISIBILITY AT INTERSECTIONS AND DRIVEWAYS.

A. Intersection safety zones: No monument style sign or other sign with its face less than fourteen 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 a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points forty feet distant in each direction from the intersection of the curbs and a straight line connecting the first two lines.

B. Driveway safety zones: No monument style sign or other sign with its face less than fourteen 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 twenty feet of the driveway within the area from the curb line to ten feet behind the curb line.

5. USE-SPECIFIC STANDARDS.

The purpose of this section is to identify standards required of specific types of uses, both uses permitted by right and those that require a Conditional Use Permit. These standards are in addition to zoning district regulations, general provisions, use regulations applicable to all zoning districts, and other requirements for uses and structures identified in this Ordinance.

5.1 ADULT USES. It is recognized that there are some uses which are recognized as having serious objectionable operational characteristics, and are not compatible with certain uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Therefore, adult uses shall comply with the following use-specific standards:

A. No adult use may be established, operated, or maintained unless in compliance with SDCL 11-12.

B. No more than two adult uses or one adult use and one on-sale liquor establishment may be established, operated, or maintained within one thousand feet of each other as measured from the closest point of the outside wall of the building or tenant space.

C. The building and site for an adult use shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any pedestrian or vehicle on a public right-of-way or from an adjacent property.

D. No freestanding signs shall be allowed.

5.2 AUTOMOBILE REPAIR FACILITIES. Automobile repair facilities shall comply with the following use-specific standards:

A. The facility shall front on and have its primary access from a collector or arterial street;

B. All work shall be performed completely within an enclosed building;

C. Buildings housing intensive activities such as body work, frame straightening, or other heavy repair activities shall be set back one hundred feet from residentially-zoned parcels; and

D. There shall be no outdoor storage of automobiles, parts, or equipment.

5.3 AUTOMOBILE SERVICE STATIONS. Automobile service stations shall comply with the following use-specific standards:

A. The facility shall be located on a lot having a frontage along a City street of not less than one hundred feet, and having a minimum area of not less than fifteen thousand square feet;

B. A building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than forty feet from any street lot line, and not less than twenty five feet from any side or rear lot line adjoining a residentially-zoned district;

C. All driveways providing ingress to or egress from an automobile service station shall comply with off-street parking standards;

D. A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings;

E. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except designated landscaped areas which shall be separated from all paved areas by a low barrier or curb;

F. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street, or right-of-way;

G. All exterior lighting, including illuminating signs, shall be erected and hooded or otherwise shielded so as to be deflected away from adjacent properties;

H. There shall be no outdoor storage of automobiles, parts, or equipment; and

I. All underground storage tanks shall comply with state and federal laws concerning secondary containment, leak detection devices, etc.

5.4 BED AND BREAKFAST ESTABLISHMENTS. Bed and breakfast establishments shall comply with the following use-specific standards:

A. Establishments shall be limited to a residential structure.

B. Establishments shall comply with applicable state laws including South Dakota Department of Health regulations, maintain a guest list, and provide a smoke detector in each sleeping room.

C. Establishments shall be an incidental use with an owner-occupied principal dwelling structure provided that not more than four bedrooms in such dwelling structure shall be used for such purpose.

D. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.

E. The length of stay shall not exceed fourteen days during any one hundred and twenty consecutive day period.

F. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

G. One freestanding sign shall be allowed per establishment.

5.5 CAMPGROUNDS AND RV PARKS. Campgrounds and RV Parks shall comply with the following use-specific standards:

A. Each campsite shall contain at least two thousand square feet;

B. Campgrounds and RV Parks shall be served by City water supply and sewage disposal services, including washing, toilets, and similar facilities, all of which meet all applicable City codes and regulations;

C. Access to public streets shall be paved or surfaced in a similar manner to the adjacent public street, and shall be approved by the City;

D. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads;

E. No campsite may be occupied by the same person or persons for more than thirty days in one calendar year;

F. No manufactured homes or house trailers shall be located in any campground or RV Park, and

G. All campground and RV Park operators shall keep accurate records as to the length of time a person stays at a campsite, and shall make said records available to any City official upon request.

5.6 CEMETERIES. Cemeteries shall comply with the following use-specific standards:

A. Minimum site area shall be at least two acres; and

B. All grave sites shall be at least fifty feet from all property lines.

C. No portion of the cemetery property may be within a Flood Hazard Area; and

D. One free-standing sign is allowed.

5.7 DAY CARE, IN-HOME FAMILY. In-home, family day care facilities shall comply with the following use-specific standards:

A. The facility shall be registered with the City and shall comply with applicable State requirements;

B. The facility shall comply with Building Code requirements for in-home daycare facilities;

C. The building shall retain the appearance of a single family residence; and

D. The facility shall not exceed sixteen hours of operation in a twenty-four hour period.

5.8 DAY CARE, IN-HOME GROUP. In-home, group day care facilities shall comply with the following use-specific standards:

A. The facility shall be registered with the City and shall comply with applicable State regulations;

B. The facility shall comply with Building Code requirements for in-home daycare facilities;

C. The building shall retain the appearance of a single family residence;

D. The facility shall not exceed sixteen hours of operation in a twenty-four hour period.

E. The use is no closer than one thousand five hundred feet to another registered in-home group day care facility.

5.9 DAY CARE CENTERS. Day care centers shall comply with the following use-specific standards:

A. The facility shall be registered with the City and shall comply with applicable State regulations;

B. The center shall provide and maintain an outdoor play area with a minimum of one thousand square feet, plus an additional one hundred square feet for each child

cared for over the age of ten. This play area shall not be in the front yard and must be fenced or otherwise enclosed on all sides and screened from adjacent properties with landscaping; and

C. An on-site drive shall be provided for drop-offs/pick-ups. This drive shall be arranged to allow maneuvers without affecting traffic flow on the adjacent public street.

5.10 FARMERS' MARKETS, TEMPORARY. Temporary farmers' markets shall comply with the following use-specific standards:

A. Farmers' markets and their vendors shall comply with all federal, state, and local laws relating to the operation, use, and enjoyment of the market premises;

B. Farmers' markets and their vendors shall first obtain all required operating and health permits and these permits (or copies) shall be in the possession of the Farmers' Market operator or the vendor, as applicable, on the site of the Farmers' Market during all hours of operation; and

C. Farmers' markets shall have a representative of the operator authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.

5.11 HOME OCCUPATIONS. Home occupations shall comply with the following use-specific standards:

A. Minor Home Occupation Criteria and Regulations:

1. The occupation must be conducted primarily within a dwelling unit.

2. Not more than one volunteer and/or nonresident employee, partner, or other person engaging in the conduct of the home occupation for pay or profit shall work on the subject property.

3. The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.

4. The operation of the home occupation shall not cause or encourage traffic not ordinarily associated with the residential area in which the home occupation is conducted.

5. Merchandise offered for sale shall be clearly incidental to the home occupation provided however, that, orders may be taken for later delivery off the premises.

6. There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a dwelling. The sign shall not be illuminated or be more than one square foot in area.

7. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling. No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation.

8. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted material shall be stored on site.

9. No activity shall be conducted which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, smoke, dust, or heat noticeable beyond the premises.

B. Major Home Occupations. Any proposed home occupation which does not meet the criteria as established in this section is deemed to be a major home occupation and shall require a Conditional Use Permit.

5.12 KEEPING OF CHICKENS. Residents who have obtained a Permit to Keep Chickens shall comply with the following use-specific standards:

A. No more than six (6) chickens are allowed to be kept on a property.

B. No roosters are allowed.

C. Chickens must be kept in a coop but may be allowed outside of the coop if kept within in escape-proof run.

D. The chicken coop and run must be maintained in a clean and sanitary manner.

E. Feed and nesting materials must be stored in a manner to prevent infestation by insects or vermin.

F. Chicken feces and waste must be disposed of in a sanitary manner and be kept separate from other household waste or garbage.

G. Applicant must agree to allow City employee access to property for inspection purposes.

H. There can be no code violations on the property where chickens are to be kept.

I. The Permit to Keep Chickens may be withdrawn if there are code violations on the property or there are complaints from neighbors about odor, noise, or chickens at large.

5.13 MANUFACTURED HOMES. Manufactured Homes shall comply with the following use-specific standards:

A. The manufactured home shall meet or exceed the 1976 Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code and shall display the manufacturer's compliance placard.

B. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty feet.

C. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Metal roofing surfaces shall not be permitted.

D. The use of corrugated sheet metal for the exterior walls is prohibited.

F. Each manufactured home except those located within a Manufactured Home Court shall be firmly attached to a permanent foundation in accordance with the City's Building Code.

G. Each manufactured home not attached to a permanent foundation shall meet the following skirting and anchoring requirements:

1. Skirting shall be installed within thirty days of placement on site. The home shall not be occupied until the skirting has been installed.

2. Skirting shall be of a weatherproof material consistent in color and material that is suitable for skirting.

3. Skirting shall be affixed in a workman-like manner to provide a continuous shield from the point of attachment on the home to ground level and shall extend completely and continuously around the exterior wall perimeter of the home.

4. Skirting must be provided with an access door or panel through the skirting to utility service lines installed under the home.

5. Tie downs shall be installed in compliance with the home manufacturer's specifications before the skirting is installed.

5.14 MANUFACTURED HOME COURTS. Manufactured Home Courts shall comply with the following use-specific standards:

A. Perimeter Boundary. The Court shall be surrounded by a 40-foot landscaped area along the street frontage of an arterial street, 25 feet along other street frontages, and 15 feet along other Court boundaries.

B. Streets. Private streets within a Court shall have an asphalt or concrete surface 34 feet in width where parking is permitted on both sides, 27 feet in width where parking is restricted to one side only, and 24 feet in width where parking is prohibited. All Court private streets shall have unobstructed access to a City collector or arterial street.

C. Lot Area. Each manufactured home lot provided for the occupancy of a single manufactured home shall have an area of not less than 5,500 square feet.

    1. Front Yard. There shall be a front yard on each internal street to which the lot abuts. The minimum front yard setback shall be not less than 15 feet for the principal building, 20 feet for an accessory building, and 10 feet for a deck. The distance shall be measured from the wall of the structure to the edge of the street surface or curb at the closest point.

    2. Side Yard. An addition, deck, or attached garage shall not be less than 15 feet from an adjacent home, addition, deck, or attached garage. An accessory building that is more than 10 feet from the principal building or additions thereto may be 10 feet from an adjacent home, addition, deck, or attached garage. An accessory building that is more than 10 feet from the principal building or additions thereto may be six feet from an adjacent accessory building.

    3. Rear Yard. A principal building or additions thereto shall not be less than 20 feet from an adjacent home, or its additions, deck or attached garage. An accessory building that is more than 10 feet from the principal building or additions thereto may be 6 feet from an adjacent accessory building.

D. Density. Courts shall have an area of at least 8 acres and shall contain at least ten manufactured home lots.

E. Expansion. Existing Courts may be enlarged to an area of less than 8 acres provided the expansion complies with the regulations set forth in this section.

F. Court Design. The location, size, and number of lots, streets, and driveways associated with a Court shall be consistent with a site plan approved as part of the Court's Conditional Use Permit. A site plan shall be required and shall be adhered to unless expressly modified through the Conditional Use Permit process.

1. Courts shall be located on a well-drained site and shall not be located in a Flood Hazard Area.

2. There shall be at least three paved off-street parking spaces for each manufactured home lot. Parking spaces for adjoining manufactured home lots shall not be continuous.

3. All manufactured home lots shall be provided with access to the internal Court street system. No manufactured home lot may be provided with access to a public street that may abut the Court.

4. Each manufactured home lot shall be provided with a water service connection, including a curb stop, and a connection to a sanitary sewer, both to City specifications.

5. Homes that cannot be connected to a sanitary sewer shall not be permitted in a Court.

6. The Court shall provide adequate lighting for all parking areas, streets, and sidewalks.

7. The Court shall provide park and play areas for residents and bus shelters for students.

8. The Court shall provide a paved outdoor storage area for use by residents for storage of licensed boats, campers, etc. The number of parking spaces within this area shall be equal to one parking space for every four manufactured home lots.

9. Court access roads, parking areas, drainage structures, water service lines, and sewer service lines shall be maintained in a workmanlike manner that does not promote repeated quality-of-service complaints by Court tenants and visitors to the City.

10. Each Court shall be required to purchase and install, at the owner's expense and under the direction of the Maintenance Supervisor, a master water meter for the Court.

G. Recreational vehicles shall only be placed on established lots or new lots meeting the minimum area and setback requirements of this section.

H. Manufactured Homes shall be skirted within thirty days of being placed in a Court. Failure to meet this requirement by the home owner is hereby deemed to be a public nuisance. Such public nuisances shall be sufficient grounds for the City to terminate water and sanitary sewer services to the Home and to revoke the approved occupancy of the Home.

5.15 MANUFACTURING ESTABLISHMENTS. All manufacturing establishments shall comply with the following use-specific standards:

A. Outdoor storage of equipment, materials, or vehicles shall be screened from public view;

B. All loading docks shall be constructed in a manner that prevents them from being seen by the general public and shall be located at least one hundred feet from the lot line of an adjacent residential district. Screening may be used to accomplish this when possible. Under no circumstance shall loading and unloading docks be constructed facing a thoroughfare, road, or street.

C. Establishment traffic shall not use residential streets for access.

D. Establishment odors, dust, lighting, and noise shall not impact adjacent residential districts.

5.16 MANUFACTURING, STORAGE, OR DISTRIBUTION FACILITIES HANDLING DANGEROUS CHEMICALS. Manufacturing, storage, or distribution facilities handling dangerous chemicals shall comply with the following use-specific standards:

A. Any areas where dangerous chemicals are manufactured or stored shall be located at least two hundred feet from the parcel boundary line;

B. Travel to and from the facility will not occur on any streets in residential neighborhoods;

C. Adequate room for maneuvering of trucks shall be provided.

5.17 MINI-WAREHOUSES. Mini-warehouses (storage units) shall comply with the following use-specific standards:

A. Mini-warehouse buildings shall be at least one hundred feet from any residential district.

B. The mini-warehouse site shall be designed so that no mini-warehouse overhead doors face a street. Perimeter walls shall be designed with physical breaks, facade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall.

C. A landscape buffer and screening strip shall be provided within each side and rear setback. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a visual buffer at least six feet high.

D. The maximum structural coverage of a mini-warehouse lot is forty percent of the total lot area.

E. One freestanding sign shall be allowed.

5.18 OUTDOOR SMOKING SHELTERS. Outdoor smoking shelters shall comply with the following use-specific standards:

A. Comply with all provisions of the City's Building Code, regardless of area;

B. Have been issued a building permit by a Building Official before construction has begun;

C. Have not more that seventy-five percent of the aggregate wall area of the shelter enclosed. For purposes of this section, "enclosed" shall include areas that are enclosable by permanent or temporary doors, walls, or windows;

D. Have no more than two walls constructed of opaque material;

E. Be lighted with appropriate weatherproof fixtures;

F. Not be taller than the principle structure on the premises; and

G. Be aesthetically similar to the principle structure, except for transparent or open walls.

5.19 PLANNED UNIT DEVELOPMENTS. Planned Unit Developments shall comply with the following use-specific standards:

A. Scope. This Section applies to Planned Unit Developments (PUD) Conditional Use Permits. All PUD Conditional Use Permits shall follow the standards and procedures listed in Section 6, Conditional Use Permits, of this Ordinance.

B. General Provisions. A PUD is a tract of land developed as a unit under single or unified ownership or control and which generally includes two or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses.

C. Purpose. The purposes of this Section are:

1. To encourage a more creative and efficient development of land and its improvements through the preservation of natural features and/or desirable site characteristics than is possible under strict application of zoning requirements. A PUD shall meet the goals and policies of the comprehensive plan while preserving the health, safety, and welfare of the citizens of the City.

2. To allow for the potential mixture of compatible uses in an integrated and well-planned area.

3. To ensure concentration of open space into more usable areas, and a preservation of the natural features of the site.

4. To facilitate the economical provision of streets and public utilities.

5. To assist in providing affordable housing.

D. Effect on Existing Zoning: Interpretation. The granting of a PUD Conditional Use Permit does not alter in any manner the existing zoning district classification except that building permits shall not be issued which are not in conformity with an approved PUD Conditional Use Permit.

E. Uses. Uses not otherwise allowed in the zoning district are prohibited within a PUD unless specific provisions are made and listed in the PUD Conditional Use Permit or its conditions of approval. A PUD may include varied and compatible land uses within one defined development. Uses may include:

1. Dwelling units in detached, clustered, semi-detached or attached multi-storied structures or combinations thereof.

2. Commercial and office uses.

3. Supporting community facilities and institutional uses.

4. Parks, recreational facilities and open space.

5. On-premise signs. Off-premise signs are prohibited.

F. Pre-Application Meeting. Prior to the submission of any PUD Conditional Use Permit Application to the Planning Commission, the applicant shall meet with the Planning & Zoning Administrator to discuss the proposed development.

G. PUD Conditional Use Permit. In addition to the requirements provided in Section 6 of this Ordinance, the following exhibits and written narratives shall be submitted as part of the application for a PUD Conditional Use Permit:

1. An explanation of the planned unit development and an explanation as to why this planned unit development provides a public benefit.

2. An explanation of the expected schedule of development including phasing and time schedule.

3. Unless waived by the Planning & Zoning Administrator, the applicant shall also submit a Preliminary Plan and all necessary documentation as required by the City's Subdivision Regulations of all of that portion of the project to be platted. For the purpose of administrative simplification, the public hearings required for the PUD Conditional Use Permit and the Preliminary Plan may be held concurrently.

4. Any additional information requested by City staff or by the Planning Commission that may be required for clarification of the proposed development.

5.20 POCKET NEIGHBORHOODS. Pocket Neighborhoods shall comply with the following use-specific standards:

A. A Pocket Neighborhood shall contain at least four but no more than twelve Tiny Houses. No more than 25% (rounded up) of such Tiny Houses may be THOWs.

B. A Pocket Neighborhood shall contain at least one common area. Each common area shall include usable public spaces such as lawn, gardens, patios, walkways, plazas, or playgrounds. Common area amenities such as tables, chairs, benches, and flower beds are encouraged.

C. A Pocket Neighborhood common area shall not include detention ponds, wetlands, streams, lakes, major drainage channels, or similar facilities.

D. A Pocket Neighborhood common area shall not include any setback areas of any Tiny House lots.

E. A Pocket Neighborhood shall contain at least five hundred square feet of contiguous common area per Tiny House lot.

F. All Tiny House lots within a Pocket Neighborhood shall abut a common area.

G. A Pocket Neighborhood shall have a homeowner's association or similar entity that is responsible for maintenance of common areas.

5.21 SOLAR ENERGY SYSTEMS. Standards governing solar energy systems provide for appropriate locations for solar energy systems, ensure compatibility with surrounding uses, and promote safe and effective use of solar energy to increase opportunities for generation of renewable energy. Solar energy systems shall comply with the following use-specific standards:

A. Solar collector surfaces and all mounting devices shall comply with the yard regulations of the zoning district in which they are located. Screening of solar collector surfaces may not be required.

B. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

C. Written evidence shall be provided that shows the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

D. Building-mounted solar energy systems:

1. Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall not extend higher than three feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten feet above the surface of the roof when installed on a flat or shed roof.

2. The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one foot from the exterior perimeter of a roof for every one foot that the system extends above the parapet wall or, if no parapet wall exists, roof surface on which the system is mounted. Solar energy systems that extend less than three feet above the roof surface shall be exempt from this provision.

E. Freestanding solar energy systems:

1. Freestanding solar energy systems, measured to the highest point of the system, shall not exceed the height of the principal structure or twenty feet, whichever is less. Freestanding solar energy systems up to sixteen feet in height shall be subject to the yard regulations of an accessory structure. Freestanding solar energy systems greater than sixteen feet in height shall be subject to the yard regulations of a principal structure. The required yard shall be measured from the property line to the closest part of the structure at minimum design tilt.

2. In residential zoning districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed five percent of the lot area. Notwithstanding any other provision to the contrary, the maximum area of solar energy systems shall be calculated independently of the floor area of all other accessory structures on the lot.

3. The supporting framework for freestanding solar energy systems shall not include untreated lumber.

4. All abandoned or unused freestanding solar energy systems shall be removed within twelve months of the cessation of system operation.

5.22 TELECOMMUNICATIONS FACILITIES. Telecommunications facilities shall comply with the following use-specific standards:

A. Telecommunications facilities shall not be located within a Flood Hazard Area.

B. All proposed support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant. The maximum height of a telecommunications facility shall be no more than one hundred feet above the pre-construction level of the grade adjacent to the support structure location. The height shall be an exception to the Zoning District's maximum structure height. However, a variance may be granted to allow a maximum height of up to one hundred fifty feet if the applicant's professional engineer certifies in writing that such a height is the sole viable option available to site the facility within municipal limits;

C. The minimum setback distance between each support structure and all surrounding properties lines, overhead utility or transmission lines, other telecommunication facilities, wind turbine towers, electrical substations, public roads, and dwelling units shall be equal to no less than 1.1 times the system height (measured from the grade adjacent to the tower pad to the highest system component, including antennae);

D. The building permit application for a telecommunications facility shall include structure plans prepared by a professional engineer and a certification by a professional engineer that the structure has been designed to withstand the wind, snow, and ice loads typical of this area. The building permit application shall show the number and type of proposed antennae and their height above ground level, including the proposed placement of antennae on the support structure;

E. Telecommunication facilities shall be collocated if feasible. If collocation is not feasible, the applicant shall submit a written certification of why collocation is not a viable option and that explains the alternatives considered and why those alternatives were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing support structure is listed among the alternatives, the applicant must specifically address why the support structure is not a viable option;

F. The application for a new support structure shall be accompanied by a letter stating that the proposed support structure will be made available for collocation to other service providers at commercially reasonable rates;

G. A proposed telecommunications facility support structure intended to be built as a monopole shall accommodate at least three telecommunications providers, and

have a site area surrounding the tower of sufficient size to accommodate accessory equipment for at least four telecommunications providers'

H. All ground- or pad-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access;

I. All accessory equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunications facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site;

J. All telecommunication facilities shall comply with the setback and yard requirements of their Zoning District. They may be located on a parcel containing another principal use on the same site;

K. The visual impact of all accessory equipment above ground level shall be mitigated by fencing or landscaping. A site plan shall be submitted with the building permit application. Fencing and landscaping materials shall be installed and maintained in a workman-like manner.

L. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on any telecommunication facility structure that is visible from any public road shall be prohibited;

M. All electrical wires associated with a telecommunications facility shall be buried underground;

N. A telecommunication facility support structure shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above adjacent grade;

O. A telecommunications facility shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration;

P. A telecommunications facility shall comply with all applicable state and local construction and electrical codes and the National Electrical Code;

Q. A telecommunications facility shall not be installed until evidence has been provided to the Planning & Zoning Administrator that the FAA has been informed of the applicant's intent to install the facility;

R. A telecommunications facility that is out-of-service for a continuous twelve-month period will be deemed to have been abandoned. As such, it shall be deemed a public nuisance;

S. A COW may be placed at any location within the City without a Conditional Use Permit or building permit for not more than one hundred twenty days from the date of a declaration of an emergency by the Mayor; and

T. A COW may be placed at any location within the City without a Conditional Use Permit or building permit for not more than fourteen days to serve a community event declared as such by the Council.

5.23 TINY HOUSES. Tiny houses shall comply with the following use-specific standards:

A. Tiny house exterior width shall not be less than 8.5 feet or more than 20 feet.

B. Tiny house gross floor area shall not be less than 170 square feet per occupant.

C. Tiny house sleeping room area shall not be less than 120 square feet.

D. Tiny house ceiling height shall not be less than 7 feet.

E. Tiny houses shall comply with the City's Building Code and with the Architectural Standards of this Ordinance.

F. Tiny houses shall be served by the City's water and sanitary sewer services.

G. Tiny houses shall include functional cooking, sleeping, toiletry, and living areas that support normal daily residential activities.

H. Tiny houses, except THOW, shall be properly secured to a permanent foundation. Said foundation shall form a complete enclosure under the exterior walls.

I. Tiny Houses On Wheels shall comply with all requirements for tiny houses and shall comply with the following additional standards:

1. THOWs shall be properly secured to a licensed trailer.

2. THOWs shall be towable and not designed to move under their own power.

3. THOWs shall comply with manufactured home skirting and tie-down requirements.

4. THOWs shall be subject to Building Permit requirements when placed on a tiny house lot.

5.24 VEHICLE SALES OR RENTAL ESTABLISHMENTS. Vehicle sales or rental establishments shall comply with the following use-specific standards:

A. All servicing, repair, and/or refinishing shall be carried out within a completely enclosed building;

B. Sale of automobile parts shall be permitted provided such parts shall be stored within a completely enclosed building;

C. No automobile shall be stored or dismantled on the site for the purpose of selling used parts;

D. Buildings housing accessory uses such as body work, frame straightening, or other heavy repair activities shall be set back one hundred feet from residentially zoned parcels. All such work shall be performed completely within an enclosed building;

E. Any areas used for outdoor storage of materials or inoperable vehicles will be adequately shielded from view by fencing, walls, or landscaping; and

F. Sites used for outdoor sales and rental of automobiles, recreational vehicles, and mobile homes shall include at least one permanent building for use as an office and which shall include permanent restroom facilities.

G. Establishments shall be screened from adjoining residential properties.

H. Establishments shall take access from City collector or arterial streets and no access shall be allowed onto adjoining local streets.

5.25 VETERINARY CLINICS. Veterinary clinics shall comply with the following use-specific standards:

A. The use shall be operated by a licensed and registered veterinarian;

B. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least one hundred feet from abutting residential districts, churches, or restaurants for small animal clinics and at least five hundred feet for large animal clinics;

C. All principal use activities shall be conducted within a totally enclosed principal building;

D. No outdoor animal enclosures or runs are permitted for small animal clinics but are allowed for large animal clinics;

E. All indoor pet boarding shall be limited to that incidental to treatment or surgery; and

F. Outdoor exercising is allowed when the animal is accompanied by an employee provided no animals shall be permitted outside of the buildings between 10:00 p.m. and 7:00 a.m.

5.26 WIND ENERGY CONVERSION SYSTEMS. Wind Energy Conversion Systems (WECS) shall comply with the following use-specific standards:

A. Setbacks. WECS shall be set back a distance equal to no less than 1.1 times the total height of the structure. The setback distance requirement shall be measured from the base of the WECS to the nearest property line.

B. Tower height. In no event shall the height of a WECS exceed 150 feet as measured from the ground to the rotor hub.

C. Rotor clearance. Blade-arcs created by the WECS shall have a minimum of twenty feet of clearance over any structure or tree. WECS attached to principal or accessory structures are exempt from this requirement.

D. Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind or in conditions of imbalance.

E. Noise. No WECS shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the WECS shall be submitted at the time of the submittal of the conditional use application, ensuring that this requirement can be met once the system is operational.

F. Electromagnetic interference. WECS shall be designed and constructed so as not to cause interference with radios, televisions, or other electronic devices.

G. Access. Appropriate safety measures must be undertaken to discourage unauthorized climbing of a WECS tower.

1. The tower shall not be climbable for a height of eight feet above the ground unless the applicant proves it would not be a public hazard.

2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.

H. Warning information. Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the WECS shall be posted near the base of the tower in a visible location.

I. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by the FAA or other State or Federal agency.

J. Manufacturer warranty/maintenance information. Upon application for a conditional use permit for a WECS, the petitioner shall submit a manufacturer's statement documenting that the system has been successfully and safely operated in atmospheric conditions that are similar to conditions in the City.

K. Construction standards. Any WECS shall be constructed in accordance with all applicable safety, building, and fire codes including but not limited to the following:

1. Standard drawings of the structural components of the WECS and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the City's Building Code, especially with regards to wind and snow/icing loads. Drawings and engineering calculations shall be certified by a registered structural engineer.

2. Roof-mounted WECS shall include detailed plans illustrating roof construction, mounting techniques, and wind load capacity.

3. Lightning protection. Any WECS shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters, and deep earth grounding.

4. All WECS shall conform to applicable industry standards, as well as local, state, and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, or an equivalent third party.

6. CONDITIONAL USE PERMITS.

6.1 CONDITIONAL USE PERMIT REQUIREMENTS. Any conditional use approved by the Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Commission may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

A. Procedure: The Commission may authorize by Conditional Use Permit those uses specifically designated as Conditional Uses in these regulations. The Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety,

and general welfare of Harrisburg residents in the issuance of such Conditional Use Permit.

B. Application: To obtain a Conditional Use Permit, the applicant shall file an application in writing on a form furnished by the Planning & Zoning Administrator. Every application shall contain the following information:

1. Legal description of the land on which such Conditional Use is requested, together with local street address.
2. Name and address of each owner of the property.
3. Name, address, phone number and signature of the applicant.
4. Zoning district classification under which the property is regulated at the time of such application.
5. Be accompanied with a site plan, unless waived by the Planning & Zoning Administrator.
6. Any other information concerning the property as may be requested by the Planning & Zoning Administrator or the Commission.

C. Fees: Upon the filing of any application for a Conditional Use Permit with the Planning & Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by resolution of the City Council.

D. Information on Site Plan: In addition to the following information, plans shall be drawn to scale upon paper or provided electronically and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Section and all relevant laws, ordinances, rules and regulations. The Planning & Zoning Administrator may waive the submission of plans, if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Section.

1. The address of the property and the legal description.
2. The name of the project and/or business.
3. The scale and north arrow.
4. All existing and proposed buildings or additions.
5. Dimensions of all buildings.
6. Distance from all building lines to the property lines at the closest points.
7. Building height and number of stories.
8. Dimensions of all property lines.
9. Parking lots or spaces: designate each space; give dimensions of the lot, stalls and aisles.
10. Screening: show height, location, and type of material to be used.
11. The landscaped setback and trees: indicate species of trees and material to be used for landscaping.
12. Name and location of all adjacent streets, alleys, waterways, and other public places.

13. Distance from all non-permitted uses.

Approved plans shall not be changed, modified, or altered without authorization from the Commission giving final approval, and all work shall be done in accordance with the approved plans.

E. Review and Public Hearing Procedure: Prior to the approval of a Conditional Use Permit, the Planning & Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Planning & Zoning Administrator shall make a recommendation to the Commission to either approve or not approve said application. The Planning & Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

The Planning & Zoning Administrator shall set the date, time and place for a public hearing to be held by the Commission. The Planning & Zoning Administrator shall notify the applicant by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Conditional Use Permit no less than seven days prior to the scheduled public hearing. No less than ten days before the public hearing, the Planning & Zoning Administrator shall publish notice of the public hearing in the legal newspaper of the City.

The following procedure shall be followed by the Commission in considering the recommendation of the Planning & Zoning Administrator:

1. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Commission.

2. Before any Conditional Use Permit shall be granted, the Commission shall review the recommendations of the Planning & Zoning Administrator and determine the conditions of approval of the CUP and that satisfactory provision and arrangement has been made concerning the following, where applicable:

   a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

   b. Off-street parking and loading areas where required;

   c. Refuse and service areas, with particular reference to (a) and (b) above;

   d. Utilities, with reference to locations, availability, and compatibility;

   e. Screening and buffering with reference to type, dimensions and character;

f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;

g. Required yards and other open space;

h. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;

i. The goals and objectives of the most recently adopted Comprehensive Plan.

The Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Commission shall be final unless an appeal is filed in accordance with Paragraph F, below.

F. Appeal of Commission Decision: The decision rendered by the Commission on a Conditional Use Permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Commission shall file a written appeal with the Planning & Zoning Administrator within five working days of the Commission decision. When an appeal is filed, the Planning & Zoning Administrator shall present the Commission's decision to the City Council for review. Notice of the meeting shall be given as required by Paragraph E, above. The City Council shall vote to uphold, overrule, or amend the decision of the Commission.

G. Permit Revocation: A Conditional Use Permit may be revoked only for cause, consisting of failure to maintain the standards required for the Conditional Use Permit. A notice of intent to revoke a Conditional Use Permit shall be given in writing at least thirty days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the City may have imposed. If, during that period, proof of compliance is made by the holder of the Conditional Use Permit, it shall be continued in force. If a hearing has been requested following receipt of notice of intent to revoke, the Commission shall hold a public hearing on the matter and make a final determination on the revocation.

H. Expiration: A Conditional Use Permit shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Planning & Zoning Administrator and prior to the Conditional Use Permit expiration date, a one-year time extension for the Conditional Use Permit may be granted by the Planning & Zoning Administrator, subject to the following conditions:

1. There was no public objection presented during the public hearing process for the original Conditional Use Permit;

2. The land uses for the surrounding properties have not significantly been altered since the original approval date for the Conditional Use Permit;

3. Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the Conditional Use Permit that may impact the one-year schedule for project completion.

A Conditional Use Permit approved in accordance these regulations shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

I. Re-Application: No applicant requesting a Conditional Use Permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Commission or City Council shall be again considered by the Commission before the expiration date of six months from the date of the final action on the application.

7. BOARD OF ADJUSTMENT.

7.1 ESTABLISHMENT. A Board of Adjustment is hereby established for the City which shall consist of the members of the Commission, pursuant to SDCL 11-4-13.

7.2 POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Planning & Zoning Administrator in the enforcement of these regulations.

B. To hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

7.3 APPEAL PROCEDURE.

A. Any person or persons, jointly or severally, aggrieved by any decision of the Planning & Zoning Administrator, may present to that official a notice of appeal, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.

The notice of appeal shall be filed with the Planning & Zoning Administrator, who shall transmit to the Board of Adjustment all information and records concerning

the appeal. Such notice of appeal shall be presented to the Planning & Zoning Administrator within thirty days after the filing of the decision in the office of the Planning & Zoning Administrator.

B. The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the Chairman or Planning & Zoning Administrator and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting.

No less than ten days before the public hearing, the Planning & Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the City.

C. The public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of at least two-thirds of the members of the Board of Adjustment shall be necessary to reverse an order, requirement, decision, or determination of the Planning & Zoning Administrator, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under any ordinance.

7.4 VARIANCES. The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

A. An unnecessary hardship must be established by the applicant who applies for the variance.

For purposes of this Chapter, an unnecessary hardship is a situation where, in the absence of a variance an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.

B. Literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.

C. The variance requested is the minimum variance that will alleviate the hardship.

D. Granting of the variance will comply with the general purpose and intent of these regulations, and will not be offensive to adjacent areas or to the public welfare.

E. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.

F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

G. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.

H. An Application for a Variance, available from the Planning & Zoning Administrator, shall be completed by the landowner requesting the Variance. Completed applications shall be returned to the Planning & Zoning Administrator for review. To be considered completed, the application shall contain the following information:

1. Legal description of the land on which such variance is requested, together with local street address;

2. Name and address of each owner of the property;

3. Name, address, phone number and signature of the applicant;

4. Zoning district classification under which the property is regulated at the time of such application;

5. Description of the variance sought from the Zoning Regulations;

6. Be accompanied with a site plan, unless waived by the Planning & Zoning Administrator.

I. The Planning & Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Planning & Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

J. The Planning & Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Planning & Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Variance no less than ten days prior to the scheduled public hearing. No less than ten days before the public hearing, the Planning & Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the city.

K. The public hearing shall be held by the Board of Adjustment. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of at least two-thirds of the members of the Board of Adjustment shall be necessary to decide in favor of the applicant to effect any Variance.

7.5 COURT REVIEW. Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty days after the filing of the Board of Adjustment's decision as provided by SDCL 11-4-25.

8. DEFINITIONS.

8.1 PURPOSE. In the application of this Chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

A. Words used in the present tense shall include the past and future.

B. Words used in the singular number shall include the plural number and the plural, the singular.

C. The word "shall" is mandatory and not discretionary.

D. The word "may" is permissive.

E. The words "used" or "occupied" shall include the words "intended," "designed," or "arranged to be used or occupied."

F. The word "lot" shall include the words "plot," "parcel," or "tract."

G. The word "person" shall include a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as an "individual."

H. The word "building" shall include the words "structure" and "premises."

I. Any word not herein defined shall be as defined in any recognized standard English dictionary.

8.2 DEFINITIONS.

ABUTTING - Abutting shall mean adjacent or contiguous and shall include property separated by an alley. The term “abutting” implies a closer proximity than the term “adjacent.”

ACCESSORY STRUCTURE OR USE - An accessory structure or use is one which:

1. Is customary and clearly incidental to the principal use;
2. Serves exclusively the principal use;
3. Is subordinate in area, extent or purpose to the principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
5. Is located on the same lot as the principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot as the building or use served.

ACTIVITY - Any application for a permit under these regulations or any development or use encompassed within the jurisdiction of these regulations.

ADULT AMUSEMENT OR ENTERTAINMENT ESTABLISHMENT - Any use which has as part of its operations amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

ADULT BOOKSTORES - An establishment having as a substantial or significant portion of its stock and trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below, or an establishment with a segment or section devoted to the sale or display of such materials.

ADULT MINI-MOTION PICTURE THEATER - An enclosed building with a capacity for less than fifty persons used for presenting material for observation by patrons and which excludes minors by virtue of age.

ADULT MOTION PICTURE THEATER - An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as herein defined, for observation by patrons therein.

ADULT PHOTO STUDIO - An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas.”

ADULT USE - The term “adult use” shall include adult amusement or entertainment establishments, adult bookstores, adult mini-motion picture theaters, adult motion picture theaters, and adult photo studios.

AGRICULTURE - The production, keeping, or maintenance, for sale, lease, or personal use, of plants, animals, or fowl useful to man, including but not limited to: forage or sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; keeping of livestock or fowl; or lands devoted to a soil conservation or forestry management program. This definition shall not include intensive agricultural activities such as, but not limited to, feedlot operations, chicken or turkey farms, and aquaculture operations.

AGRICULTURALLY-RELATED COMMERCIAL USE – A commercial use that is directly related to the agricultural use of the premises (such as (but not limited to) a roadside stand or sales store/site for an orchard, garden, tree farm, or similar agricultural use) or is a commercial use directly dependent upon agriculture (such as a large-animal veterinarian clinic).

AIRPORT - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including Heliports.

ALLEY - An alley is a public right-of-way which affords only a secondary means of access to abutting property.

ANTENNA - Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

ARCADE - A building or structure, open to the public, which contains coin operated games and similar entertainment and amusement devices, as the primary use or with five or more games as an accessory use.

AUTOMOBILE REPAIR - Any building or premises involving the repair and/or painting of vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

AUTOMOBILE SERVICE STATION – Any building or premises which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washing, tire changing, repair service,

battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Repair work may be done at an automobile service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is conducted. Gasoline pumps and gasoline pump islands shall be located more than fifteen feet from the nearest property line.

AUTOMOBILE STORAGE YARD - The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.

AWNING/CANOPY - A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BED AND BREAKFAST ESTABLISHMENT - A private single-family residence which is used to provide limited meals and temporary accommodations for a charge to the public.

BOARD OF ADJUSTMENT - Public and quasi-judicial agency charged with the duty to hear and determine appeals and variances.

BOARDING HOUSE - A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.

BROADCAST TOWER - A structure, not including offices or studio, for the transmission of radio or television broadcast communications.

BUILDABLE AREA - The three-dimensional space within which a building is permitted to be built on a lot and which is defined by maximum height regulations and yard setback regulations.

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground or attached to the ground with a fixed location on the ground.

BUILDING, DETACHED - A building surrounded by open space on the same lot.

BUILDING, HEIGHT - The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement shall be taken from the average elevation of the finished grade within ten feet of the structure.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM – A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural

component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

BUILDING LINE - A line parallel to the curb line touching that part of a building closest to the street.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM – A solar energy system affixed to a principal or accessory building.

BUILDING, RESIDENTIAL - A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings;
2. Single-family attached dwellings;
3. Duplexes, triplexes, and quadplexes;
4. Multiple-family dwellings (including apartment hotels);
5. Lodging houses; and
6. Fraternity and sorority houses.

BUS/TRUCK TERMINAL - An area and building where buses, trucks, and cargo is stored; where loading and unloading of cargo or passengers is carried on regularly; and where minor maintenance of these types of vehicles is performed.

BUS/TRUCK WASH - Any building or portions thereof used for washing buses and/or trucks.

CAMPGROUND - A parcel upon which two or more campsites for public use are located, established, maintained, advertised, or held out to the public, to be a place where camping units can be located and occupied as temporary living quarters.

CAR WASH - Any building or portions thereof used for washing of automobiles.

CHANGE OF USE - Substitution of one thing for another specifically regarding use of land or use of a building.

CHURCH - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CITY – The City of Harrisburg, South Dakota.

CITY COUNCIL – The Common Council of the City of Harrisburg, South Dakota.

CLINIC - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, optometrists, social workers, etc., and where patients are not usually lodged overnight.

CLUB - Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

COLLOCATION – The act of siting telecommunications facilities in the same location on the same support structure as other telecommunications facilities. Collocation also means locating telecommunications facilities on an existing structure, such as a building, water reservoir, or tower, without the need to construct a new support structure.

COMMERCIAL PARKING LOT/RAMP - An approved open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored for a fee.

COMMISSION - The Planning Commission of the City.

COMPREHENSIVE PLAN - The adopted long-range plan intended to guide the growth and development of the community and region, including analysis, recommendations and proposals of the community's population, economy, housing, transportation, community facilities, and land use.

CONDITIONAL USE PERMIT – A permit issued by the Commission stating that a Conditional Use complies with the conditions and standards set forth in these regulations.

CONTRACTOR'S SHOP AND/OR STORAGE YARD – A lot, or portion thereof, and/or building(s) used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

CONTAMINANT - Any "regulated substance," as defined by SDCL 34A-12-1(8) and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

COW (Carrier On Wheels or Cell On Wheels) – A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle- or trailer-mounted and contains a telescoping boom as the antenna support structure.

CURB LINE - The outside lines of street pavement or roadway.

DAY CARE - The providing of care and supervision of a child or children/adults as a supplement to regular parental/home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

DAY CARE CENTER - A facility usually used only for providing day care, nursery, or pre-kindergarten child-care services, and is limited by the square footage of usable space available. The space ratio is at least thirty-five square feet per child indoors and fifty square feet per child outdoors.

DAY CARE, FAMILY – Day care in a family home, and the number of persons cared for is limited to a maximum of six adults or six children under fourteen. Included in that count are the providers' own children six years of age and under. See also Home Occupation.

DAY CARE, GROUP – Day care in a family home and the number of persons cared for is seven to twelve adults or children under the age of fourteen including the provider's own children six years of age and under.

DENSITY - The number of families, individuals, dwelling units, or housing structures per unit of land.

DEVELOPMENT - The carrying out of any construction, reconstruction, alteration of surface, structure, change or land use or intensity of use, and including but not limited to the deposit of refuse, solid or liquid waste, any mining or drilling operation, or work relating to the creation of a road, street, or parking area.

DISTILLATION OF PRODUCTS - A building or premises used for the purification and concentration of a substance by volatilization or evaporation and subsequent condensation.

DISTRICT - A part, zone, or geographic area of the City within which zoning or development regulations apply.

DRIVE-UP SERVICE WINDOW/DEVICE - An establishment which accommodates the patron's motor vehicles, from which the occupants may obtain or receive a service or obtain a product through a service window or automated device.

DUPLEX – See Dwelling, Two Family.

DWELLING - A building, or portion, thereof, used exclusively for human habitation, including single-family, two-family, three-family, four-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

DWELLING, FOUR FAMILY – A building designed or used exclusively for the occupancy of four families living independently of each other and having separate living quarters, kitchen and toilet facilities for each family.

DWELLING, MULTIPLE-FAMILY - A building, or portion thereof, containing five or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED - A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, SINGLE-FAMILY DETACHED - A dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

DWELLING, SINGLE-FAMILY FARM - Single family dwelling located on a farm which is used or intended for use by the farm's owner or relative of the owner or a person employed thereon.

DWELLING, THREE FAMILY – A building designed or used exclusively for the occupancy of three families living independently of each other and having separate living quarters, kitchen and toilet facilities for each family.

DWELLING, TOWNHOUSE - One of a group or row of two or more single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this title.

DWELLING, TWO FAMILY – A building designed or used exclusively for the occupancy of two families living independently of each other and having separate living quarters, kitchen and toilet facilities for each family.

DWELLING UNIT - One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

ELECTRICAL SUBSTATION - A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

EXISTING SUPPORT STRUCTURE - Any existing structure that supports wireless communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles.

FAMILY - One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three adults who are unrelated by blood or law. In addition to the persons actually related by blood or law, the following persons shall be considered related by blood or law for the purposes of this title:

1. A person residing with the family for the purpose of adoption;
2. Not more than six persons under eighteen years of age, residing in a foster home licensed or approved by a governmental agency;
3. Not more than four persons eighteen years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency;
4. Any persons living with the family at the direction of a court; and
5. Twenty-four-hour supervised living of persons with physical or mental disabilities, but not including group homes for drug and alcohol rehabilitation or halfway houses for persons adjudicated by a court. Such residential facilities shall be licensed by the State of South Dakota and proof of such licensing shall be required prior to zoning certificate approval.

FARM - A parcel of land used for agricultural purposes.

FARM IMPLEMENT DEALER - The use of any building or land area for the display and sale of new or used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

FARMSTEAD - The area of a farm in which the outbuildings sit and are normally protected by a grove(s) and not used for crops or grazing.

FARM STORE/FEED STORE - A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agricultural chemicals.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOR AREA - The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.

FOUNDATION – See PERMANENT FOUNDATION.

FREESTANDING SOLAR ENERGY SYSTEM – A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

FRONTAGE - That side of a lot abutting on a street; the front lot line.

FRUIT/VEGETABLE CANNING AND/OR PROCESSING - A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

GARAGE, PRIVATE - An accessory building designed or used for the storage of not more than four motor vehicles used by the occupants of the building to which it is accessory.

GASOLINE DISPENSING STATION - Any building or premises which provides for the retail sale of gasoline or oil. No automobile repair work or sale of auto accessories, or testing may be done. Gasoline pumps and islands shall be located more than fifteen feet from the nearest property line.

GENERAL MANUFACTURING - Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.

GOLF COURSE - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GRADE - The average elevation of the land around a building.

GRAIN TERMINAL - A facility for the storage of agricultural grains.

GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUP HOME - A supervised living or counseling arrangement in a family home context providing for the twenty-four-hour care of children or adults.

HAZARDOUS MATERIAL - Any contaminant as defined in these regulations, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

HOME OCCUPATION - A home occupation is any occupation carried on by a member of the immediate family residing on the premises, in accordance with these regulations.

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and

other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL, MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT - Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

JUNKYARD - Any lot, land, parcel or portion thereof, used for the storage, wrecking, dismantling, salvage, collection, processing, purchase, sale, or exchange of abandoned or discarded vehicles, goods, waste, and scrap materials, including but not limited to: two or more abandoned or inoperable motor vehicles, waste paper, rags, glass, tires, wood, lumber, appliances, machinery, or automotive and mechanical parts. A junkyard does not include operations entirely enclosed within buildings.

KENNEL - Any premise, or portion thereof, where five or more dogs, cats, or other household pets are maintained, boarded, bred, or cared for primarily in outdoor fenced or wired runs, cages, or pens, in return for remuneration, or are kept for the purpose of sale.

LANDSCAPED AREA/LIVING GROUND COVER - An area that is permanently devoted and maintained in blue grass/creeping red fescue, herbaceous perennials, trees, shrubbery, and flowers.

LIGHT MANUFACTURING - Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

LOADING SPACE - A space within the main building or on the same lot for the standing, loading, or unloading of trucks.

LOT - A parcel of land occupied or intended for occupancy by a use permitted in these regulations, which may include one main building together with its accessory buildings, the open spaces and parking spaces required by these regulations, and having its principal frontage upon a street or upon an officially approved place.

LOT AREA - The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE – The percentage of the lot area covered by structures, accessory buildings, driveways, patios or other impervious surfaces.

LOT, DOUBLE FRONTAGE - A lot which abuts a street on two opposite sides (not a corner lot).

LOT, FRONTAGE - The length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The lot line separating a lot from a street right-of-way.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three feet to any lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT, MANUFACTURED HOME – A designated area of land within a Manufactured Home Court to be separately leased or rented for the placement of a manufactured home, modular home, recreational vehicle, or travel trailer to be used as a residence.

LOT OF RECORD - A lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the Lincoln County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the effective date of these regulations.

MANUFACTURE OF: ACID, ALCOHOL, AMMONIA, ASPHALT, BLEACH, CEMENT, CHLORINE, DYESTUFFS, EXPLOSIVES, FERTILIZER, GLUE, GYPSUM, LIME, OILS, PLASTER OF PARIS, SHELLAC, SIZING, TURPENTINE OR YEAST, ETC. – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MANUFACTURED HOME: A dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in

compliance with the 1976 Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) as amended, commonly known as the HUD Code.

MANUFACTURED HOME COURT: A contiguous parcel of land operated as a unit, under the same ownership where three or more manufactured home lots are rented for the placement of manufactured homes, with all necessary facilities and services needed to serve the manufactured home lots.

MARQUEE – Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.

MINI-WAREHOUSE – A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, business services, or human habitation.

MONOPOLE – A single, freestanding pole-type structure supporting one or more antennae.

MORTUARY - A place for the storage of human bodies prior to their burial or cremation.

MOTEL - A motel is an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, and secretarial or desk service, and the use and upkeep of furniture.

MOTOR VEHICLE - Any vehicle which is designed to travel along the ground or in the water and shall include but not be limited to automobiles, vans, buses, motorbikes, trucks, trailers, go carts, golf carts, boats, ATVs, snowmobiles, and campers.

MOTOR VEHICLE, COMMERCIAL - Any vehicle which has more than sixteen square feet of signage or which is adapted, designed, equipped, and used to perform a specific commercial function and which does not meet the definition of Motor Vehicle, Personal/Passenger as defined herein.

MOTOR VEHICLE, INOPERABLE - A motor vehicle which is not in operating condition due to damage, removal, or inoperability of one or more tires and/or wheels, engine, or other essential parts, or which is not in operating condition due to damage or removal of equipment as required by the State of South Dakota for its lawful operation, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.

MOTOR VEHICLE, PERSONAL/PASSENGER - Any car, pickup-truck, or van which has no more than sixteen square feet of signage and which is designed and facilitates

personal/passenger travel and has not been externally altered with features not customary to personal usage.

MOTOR VEHICLE, RECREATIONAL - Any vehicle which is adapted, designed, and equipped to facilitate leisure time activities including but not limited to the following: ATVs, boats, motor bikes, snowmobiles (along with trailers to haul said vehicles), RVs and travel trailers.

MULTI-LEVEL CARE FACILITY - A licensed health care facility to provide 24-hour supervision of the frail elderly that provide rooms, meals, personal care, and supervision of self-administrated medication. They may also provide services, such as recreational activities, financial services, and transportation as well as dwelling units for unsupervised residence.

MUNICIPAL SERVICE BUILDINGS – Government and private buildings and structures, including municipal administration buildings, police stations, fire stations, hospitals, community centers, public libraries, museums, art galleries, post offices, and other similar service buildings except those customarily considered utility or industrial in use.

NEIGHBORHOOD UTILITY FACILITY - Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed two hundred square feet of area) necessary for conducting a service by a government or a public utility.

NONCONFORMING USE - A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this title, but which fails, by reason of such adoption, revision, or amendment, to conform to the present use restrictions of the zoning district in which it is located.

NURSERY - Land or greenhouses used to raise flowers, shrubs, and plants for sale. See also Greenhouse.

OFFICE BUILDING - A building designed for or used as the office of professional, commercial, industrial, financial, religious, institutional, public, or semipublic persons or organizations. Broadcast stations, offices, and studios shall be considered to be office buildings; broadcast towers as defined in this title shall not be so considered.

OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT - Any use which has been licensed to sell alcoholic beverages for consumption off the premises where sold.

ON-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT - Any use which has been licensed to sell alcoholic beverages for consumption upon the premises where sold, except for special one-day liquor or special malt beverage licenses.

OUTDOOR RECREATION FACILITY – An outdoor facility developed for group recreational purposes, such as baseball, football, or soccer fields, swimming pools, skating rinks, gold driving ranges, or miniature golf facilities. Such facilities typically have accessory structures for concession sales, equipment lease, rent, sales, or storage, restrooms, dressing rooms, or storage of maintenance equipment.

OUTDOOR SMOKING SHELTER – An attached addition to, or a detached structure located on the same lot as, a structure which is used for retail alcoholic beverage sales.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours. Goods, material, merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of junkyard as defined herein.

OVERHANG – The part of a roof or wall that extends beyond the façade of a lower wall.

PARAPET – The extension of the main wall(s) of a building above the roof level.

PARKING SPACE - A hard-surfaced area, enclosed or unenclosed, sufficient in size to park one motor vehicle. A parking space must be provided an unobstructed means of access, and all spaces shall meet the minimum criteria as prescribed by City Ordinance or Design Standards.

PARTY WALL – A common shared wall between two separate structures, buildings, or dwelling units.

PERMANENT FOUNDATION – A foundation that is continuous around the perimeter of a structure and which complies with the City's Building Code.

PERMITTED USES - Any permissive or conditional uses allowed in a zoning district subject to the restrictions applicable to that zoning district.

PERSONAL SERVICES - Establishments primarily engaged in providing services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning; receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental.

PET BOARDING FACILITY – A building where five or more dogs, cats, or other household pets are boarded or cared for primarily in indoor runs, cages, pens, or rooms, in return for remuneration.

PLANNED UNIT DEVELOPMENT (PUD) - A special zoning procedure whereby a conditional use permit is issued for a land area unified, designed and regulated as a

unit with site planning and land use flexibility, generally consisting of single or multiple buildings, lots or multiple land uses under single or multiple ownership.

PREMISES – A lot, parcel, plot, or tract of land together with the buildings and structures thereon.

PRINCIPAL BUILDING - A building in which is conducted the primary or predominant use of the lot on which it is located.

PRINCIPAL USE - The primary or predominant use or building of any lot.

PRINTING PLANT - A commercial printing operation which makes reproductions involving the use of a printing press and the making of photographic plates.

PRIVATE CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

PROJECTING SIGN - A sign other than a wall sign which is attached to and projects from a structure or building face.

PROPERTY LINE - See Lot Line.

PUBLIC UTILITY FACILITIES - Water supply buildings, reservoirs, wells, elevated tanks, wastewater treatment facilities, lift stations, pumping stations, and similar essential utility and service structures, facilities, and equipment necessary for conducting a utility service by a government or a public utility.

QUADPLEX – See Dwelling, Four Family.

QUARRY - A surface excavation used for the removal of rock, stone, sand, gravel, and fill dirt for sale or use off-site and includes sifting, crushing, and washing and bagging.

RECREATION FACILITY, COMMERCIAL - A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public for a fee.

RECREATIONAL VEHICLE – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

RECREATIONAL VEHICLE PARK (RV PARK) – Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by

recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

RECYCLABLE MATERIALS - Materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to, aluminum, paper, glass, steel, and plastic.

RECYCLING COLLECTION FACILITY - A facility where recyclable materials are collected for shipment off site, with no processing such as grinding or crushing of the materials. Fully enclosed automated self-service aluminum collection machines not more than seven hundred and fifty square feet in area are considered recycling collection facilities regardless of whether they contain a crusher or grinder. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included in this definition.

RECYCLING PROCESSING FACILITY - A facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials, or salvage-type automobiles may be processed at these types of facilities. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included in this definition.

RETAIL SERVICES AND TRADE - Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services but does not include on-sale or off-sale alcoholic beverage establishments.

RESTAURANT - An establishment where food and drink is prepared, served, and consumed primarily within the principal use.

ROOF SIGN - Any sign erected upon, against, or directly above a roof or on top of the parapet of a building.

ROOMING HOUSE - See Boarding House.

SCHOOL, ELEMENTARY OR SECONDARY (HIGH SCHOOL) - Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.

SETBACK/SETBACK LINE - That line that is the required minimum distance from any lot line that establishes the area within which the principal use must be erected or placed.

SHED – An accessory building used primarily for storage purposes.

SIGN - Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include signs not exceeding twelve square feet for advertising the sale or lease of real estate, national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

SIGN AREA - The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

SIGN FACE (DISPLAY SURFACE) - The entire area of sign on which copy could be placed. See Sign Area.

SIGN, FREESTANDING (Ground Sign) - A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.

SIGN, OFF PREMISE - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, ON PREMISE - A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN STRUCTURE - Any structure which supports, has supported, or is capable of supporting a sign.

SIGN, TEMPORARY - A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic, wallboard, or other like materials, and intended to be displayed for a limited period of time.

SIGN, WALL - A sign attached to or erected against a wall of a building and projecting no more than twelve inches with the face in a parallel plane to the plane of the building wall.

SITE PLAN – A sketch, that can be drawn to scale depending on requirements, that shows a property and all easements, street, or any area that has with it a restriction of any sort on building. More information may be required to accompany a site plan.

SLAUGHTERHOUSE - A facility for the slaughtering and processing of animals and the refining of their by-products.

SOLAR COLLECTOR SURFACE – Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

SOLAR ENERGY – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM – A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

SOLID WASTE TRANSFER FACILITY - A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

SPECIFIED ANATOMICAL AREAS - (1) Less than completely and opaquely covered: (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or other erotic touching or undraped human genitals, pubic region, buttock, or female breast.

STEALTH TELECOMMUNICATIONS FACILITY – A telecommunications facility that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer.

STORY - Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

STREET - A public way which affords the principal means of access to abutting property.

STREET, ARTERIAL - A principal traffic artery, more or less continuous across the city, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the Major Street Plan.

STREET, COLLECTOR - A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.

STREET, LOCAL - A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but is not intended to be used for through traffic.

STRUCTURAL ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or any complete rebuilding of the roof or the exterior walls.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things structures include: buildings, walls, fences, signs, docks, dams, manufactured homes, and sheds.

SUPPORT STRUCTURE – A structure designed to support telecommunications facilities including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.

TANK FARM - An open air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products.

TELECOMMUNICATIONS FACILITY (TF) – Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications service (PCS), or paging service. A telecommunications facility can consist of accessory equipment, a support structure, and one or more antennae. The following are not consider to be TF: antennae or satellite dishes used by residential households for radio and television reception; commercial television and radio broadcast towers and associated facilities; and ham radio or amateur radio facilities.

TELECOMMUNICATIONS TOWER - A self-supporting lattice, guyed-lattice, or monopole structure which supports wireless communications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, two-way radio paging, and other similar services. The term telecommunications tower does not include amateur radio operators' equipment, as licensed by the Federal Communications Commission.

TELECOMMUNICATIONS TOWER HEIGHT - The vertical distance above grade to the highest point of the telecommunications tower, including the base pad and any antenna.

TELECOMMUNICATIONS TOWER SITE - The telecommunications tower site shall be the lot of record for which the telecommunications tower is located.

TEMPORARY – For a time period of less than six months.

TINY HOUSE – A principal residential detached dwelling unit that has a total floor area between 170 and 1,100 square feet. Tiny houses are allowed only in Pocket Neighborhoods.

THOW – Tiny House on Wheels.

TOWER – A monopole or lattice-type structure, guyed or freestanding, that supports one or more antennae or wind energy generators.

TRAVEL TRAILER - Means any of the following:

1. Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight feet, and a body length not exceeding thirty feet.
2. Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
3. Motor-Home. A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as any integral part of a self-propelled vehicle.
4. Camping Trailer. A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

TREE, REQUIRED - A tree which is required by these regulations and meets or exceeds the minimum specifications according to tree type.

TRIPLEX – See Dwelling, Three Family.

USE, ACCESSORY - See Accessory Building or Use.

USE, PERMITTED - A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms to all requirements and regulations of such district in which such use is located.

USE, PRINCIPAL - A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use includes off-premise advertising.

VEHICLE SALES, DISPLAY, AND RENTAL - The use of any building, land area, or premises, for the display, sale, or rental of new or used vehicles, and including any warranty repair work and other repair service conducted as an accessory use. The sale or display of inoperable motor vehicles is not allowable as part of this use category.

WAREHOUSE - A building used primarily for the storage of goods and materials.

WASTE - Any garbage, refuse, sludge from a waste treatment plant, waste supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1986.

WHOLESALE MERCHANDISING /WHOLESALE TRADE - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY CONVERSION SYSTEM – An integrated system that converts wind movement into electricity, consisting of (but not limited to) a tower, generator(s), blades, a power collection system including pad-mounted transformers, and electrical interconnection systems.

WIRELESS COMMUNICATIONS FACILITIES - Any cables, wires, lines, wave guides, antennas, antenna arrays, and any other equipment associated with the transmission or reception of telecommunications signals which a person seeks to locate or have installed upon or near a telecommunications tower or antenna support structure.

YARD, FRONT - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR - A yard extending a full width of the lot between a principal building and the rear lot line.

YARD, REQUIRED FRONT - The required front yard shall extend across the front of a lot between the said property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.

YARD LINE. See Building Line.

YARD, REQUIRED REAR - The required rear yard shall extend across the rear of a lot between the said property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

YARD, REQUIRED - Shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this title.

YARD, REQUIRED SIDE - The required side yard shall extend between the required front yard line and the required rear yard line. There shall only be one required side yard on a corner lot.

YARD, SIDE - A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

ZERO LOT LINE – The location of a building on a lot in such a manner that the exterior side of the building or a common wall rests on a side lot line.

ZONE - A specifically delineated area or district of the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance to law.

CITY OF HARRISBURG	ATTEST:
_____	_____
Mayor Julie Burke-VanLuvanee	Finance Officer Mary McClung

Planning Commission Public Hearing: August 9, 2016
City Council Public Hearing: September 19, 2016
First Reading: September 19, 2016
Second Reading: October 3, 2016
Published: October 13, 2016
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