

TITLE 21

ZONING

Chapter

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ORDINANCE NO. 11-17
INTRODUCED BY THE CITY PLAN COMMISSION ([back to Title contents](#))

An Ordinance establishing comprehensive zoning regulations for the City of Watertown, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, and for the repeal of all ordinances in conflict herewith.

WHEREAS Chapters 11-4 and 11-6, South Dakota Compiled Laws, empower the city to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals or general welfare of the city, to enact such an ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, has appointed a Plan Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the Plan Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Plan Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the Plan Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapters 11-4 and 11-6, South Dakota Compiled Laws, with regard to the preparation of the report of the Plan Commission and subsequent action of the City Council have been met,

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF WATERTOWN, SOUTH DAKOTA:

Chapter 21.01
PURPOSE

Section

[21.0101 Title](#)
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21.0101: TITLE

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This ordinance shall be known and cited as "The Zoning Ordinance of the City of Watertown, South Dakota."

21.0102: OBJECTIVES

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The Zoning Ordinance is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To assist in the implementation of the City of Watertown's Comprehensive Land Use Plan which in its entirety represents the foundation upon which this ordinance is based.
2. To foster a harmonious, convenient, workable relationship among land uses.
3. To promote the stability of existing land uses that conform with the Land Use Plan and to protect them from inharmonious influences and harmful intrusions.
4. To insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.
5. To prevent excessive population densities and overcrowding of the land with structures.
6. To foster the provision of adequate off-street parking and off-street truck loading facilities.
7. To facilitate the appropriate location of community facilities and institutions.
8. To protect and enhance real estate values.
9. To safeguard and enhance the appearance of the city, including natural amenities. (Ord 04-04; Rev 03-26-04)

**Chapter 21.02
ADMINISTRATION AND ENFORCEMENT**

Section

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- [21.0201 Plan Commission](#)
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21.0201: PLAN COMMISSION

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1. **City Plan Commission Created.** There is hereby created a Plan Commission for the City of Watertown, South Dakota, and for land within three (3) miles of its corporate limits.
2. **Membership of the Plan Commission.** The Plan Commission shall consist of seven (7) members, and two (2) alternates, appointed by the Mayor subject to the approval of the City Council. The alternates shall be the same two individuals appointed as alternates to the Board of Adjustment pursuant to Section 21.0202. If a member of the Plan Commission is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in such a members place. It is recommended that each ward of the City is represented on the Plan Commission, but in no instance shall there be more than three (3) Plan Commission members from a single City ward. At least six (6) members of this Plan Commission shall be resident electors of the City; one (1) member, or one (1) alternate, may reside not more than three (3) miles outside city limits. Plan Commission members and alternates shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of the city plan who shall not hold any elective office in the municipal government. The Mayor may appoint a City Council person to serve as a non-voting liaison to the Plan Commission. Administrative officials of the City may be appointed as ex-officio members of the Commission by the Mayor. (Ord 18-16; Rev 09-28-18)
3. **Terms of Members.** The term of each member of the Plan Commission shall be for three (3) years, except that when such Plan Commission is first appointed three members shall be appointed to serve a term of two (2) years and two members shall be appointed for a term of three (3) years. Thereafter appointment of each member shall be for three (3) years so that there will be an overlapping of tenures. (Ord 01-14; Rev 10-20-01)
4. **Compensation.** All members of the Plan Commission shall serve as such without compensation.
5. **Organizations, Rules, Staff and Finances.** Such Plan Commission shall elect its chairman from among its members for a term of one year with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record. The Plan Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law, including Civil Service Regulations as govern other corresponding civil employees of the municipality. The Commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds received by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide the funds, equipment and accommodations necessary for the Commission's work.
6. **Meeting Attendance.** The majority of the membership of this corporation shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)

21.0202: BOARD OF ADJUSTMENT

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1. **Establishment and Procedure.** The Board of Adjustment is hereby established, which shall consist of the entire membership of the Plan Commission whose appointment as such Board of Adjustment is provided for under SDCL §11-4-13, and all acts amendatory thereto. The Mayor, subject to the approval of the City Council, shall appoint two (2) alternates to the Board of Adjustment. If a member of the Board of Adjustment is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in the members place.

a. **Proceedings of the Board of Adjustment.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of Title 21 of the Revised Ordinances of the City of Watertown and other City Zoning ordinances hereinafter “this ordinance.” Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or the chairman’s designee, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be immediately filed in the office of the Finance Officer. (Ord 17-37 Rev 11-10-17)

b. **Meeting Attendance.** At least two-thirds (2/3) of the Board members shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)

c. **Hearings; Appeals; Notice.** Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any non-ministerial, non-preliminary decision of the Building Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice in the official newspaper and not less than ten (10) days prior to such hearing, and provide written notice to the parties in interest by certified mail whose receipts must be filed with the Board at least five (5) days prior to such hearing, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The parties in interest must also be notified by first class mail sent at least five days before the Board of Adjustment meeting for the Board to be authorized to consider an appeal continued from a prior Board meeting. The foregoing requirement only applies when the Board of Adjustment does not announce, upon continuing an appeal, a date certain to which the appeal is continued. (Ord 16-12; Rev 09-09-16) (Ord 17-37 Rev 11-10-17)

d. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown. (98-6)

2. **Powers and Duties.**

a. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.

b. **Conditional Uses: Conditions Governing Applications; Procedures.** To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.

- (2) Public notice shall be given stating the time and place when and where such hearing shall be held, and a notice that all interested persons may appear and be heard. Such notice shall be by legal publication in the official newspaper no less than ten (10) days in advance of public hearing. (Ord 16-12; Rev 09-09-16)
 - (3) Notice shall also be given to all adjacent land owners by certified mail of the applicant’s request for a conditional use. Land immediately across the street or road right-of-ways shall be considered adjacent. The certified letter shall give the details of the applicant’s request and the date and time of the Board of Adjustment meeting that will rule on the application. At least five (5) days before the time of the hearing, the certified mail receipts shall be filed with the Board of Adjustment as proof of compliance. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
 - (4) Before the Board of Adjustment may consider any previously tabled application for conditional use or any application for conditional use otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for conditional use, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
 - (5) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
 - (6) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
 - (7) Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the 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, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas, with particular reference to the items in (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 affect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the district.
 - (8) In any case where the holder of a conditional use permit issued under City zoning ordinance has not instituted the use or begun construction, as applicable, within one year of the date of approval, the permit shall be null and void. Similarly, any such conditional use, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated. (Ord 17-37 Add 11-10-17)
- c. **Variances:** Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
- (1) Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
 - (a) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district.
 - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - (c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of

any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;

- (d) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
 - (e) The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- (2) Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:
- (a) That the granting of the building permit will not be contrary to the public interest;
 - (b) That the literal enforcement of this title will result in unnecessary hardship;
 - (c) That by granting the building permit contrary to the provisions of this title the spirit of this title will be observed;
 - (d) That by granting the permit, substantial justice will be done.
- (3) All applicants for a variance will submit a written request which shall demonstrate:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- (4) Notice of public hearing shall be given as in Section 21.0202(2)(b)(2). (Ord 04-04; Rev 03-26-04)
- (5) Notice shall also be given to all adjacent land owners by certified mail of the applicant’s request for a variance. Land immediately across street or road right-of-way shall be considered adjacent. The certified letter shall give the details of the applicant’s request and the date and time of the Board of Adjustment meeting that will rule on the application. At least five (5) days before the time of the hearing, the certified mail receipts shall be filed with the Board of Adjustment as proof of compliance. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
- (6) Before the Board of Adjustment may consider any previously tabled application for variance or any application for variance otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for variance, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
- (7) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (8) The Board of Adjustment shall make findings that the requirements of Section 21.0202(2)(c)(1) and (2), above have been met by the applicant for a variance. (Ord 04-04; Rev 03-26-04)
- (9) A variance granted by the Board of Adjustment shall expire one (1) year from the date upon which it becomes effective if no construction authorized by the variance has commenced. Upon written request to the Board of Adjustment and prior to the variance expiration date, a one (1) year time extension for the variance may be granted by the Board of Adjustment. (Ord 17-37; Rev 11-10-17)

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 21.9901 of this ordinance. (Clerical Edit per § 22.0106, 02-07-17)

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- d. Board has Powers of Building Official on Appeals; Reversing Decision of Building Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.
- e. The concurring vote of at least two-thirds (2/3) of the members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance, or to reverse any order, requirement, decision or determination of the Building Official. (Ord 06-29; Rev 02-08-07)
- f. When granting a conditional use or variance, the Board of Adjustment may, as part of its official action, set an amount, not to exceed twenty five dollars (\$25) per day, to be charged in the event that the terms of the conditional use or variance are violated or the project not completed in the time set by the Board of Adjustment. (E-546-1)

21.0203: APPLICATION FOR REHEARING UPON DENIAL [\(back to Chapter contents\)](#)

In denying a Conditional Use or Variance, the Board of Adjustment may, as part of its official decision, establish a time period, not to exceed five (5) years, during which no applicant may submit a similar request for Conditional Use or Variance at the same location. The decision on whether a request made during the time period established by the Board of Adjustment is similar to one previously submitted shall be made, in writing, by the Building Official whose decision shall be final with no right or appeal therefrom.

21.0204: APPEALS FROM THE BOARD OF ADJUSTMENT [\(back to Chapter contents\)](#)

Any person or persons of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota.

21.0205: ADMINISTRATION AND ENFORCEMENT [\(back to Chapter contents\)](#)

- 1. The Building Official shall be appointed by the Mayor with the approval of the City Council and a Deputy Building Official may be appointed to have all the powers of the Building Official. The Building Official shall act as the Building and Plumbing Inspector and shall be under the jurisdiction of the Mayor and City Council or a committee appointed thereof and shall coordinate his work with the offices of the City Engineer, Fire Inspector and Sanitarian.
- 2. Record. A record book shall be kept in which the Building Official shall keep a record of all building permits issued. (Ord 04-04; Rev 03-26-04)
- 3. Duties. The Building Official shall administer and enforce the provisions of this ordinance. The powers and duties of the Building Official shall be as follows:
 - a. Issue all building permits and make and maintain records thereof.
 - b. Conduct inspections of buildings, structures and the use of land to determine compliance with this ordinance.
 - c. Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance.
 - d. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
 - e. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals and applications.
 - f. Provide public information relative to all matters arising out of this ordinance.
 - g. Forward to the Plan Commission all applications for amendments to this ordinance.
 - h. Forward to the Board of Adjustment, applications for appeals, variances or other matters on which the Board of Adjustment is required to pass under this ordinance.

21.0206: BUILDING PERMITS REQUIRED [\(back to Chapter contents\)](#)

- 1. It shall be unlawful to proceed to construct, install, move, demolish, alter or repair any building or structure, including manufactured homes, mobile homes, fences, unattached accessory garages and storage sheds,

decks, retaining walls, or other similar structures, within this City without a permit issued, upon application to the Building Official. No construction shall be undertaken which does not comply with the plans and specifications or detailed statement contained in the application for a permit. (Ord 04-16; Rev 12-31-04)

2. A permit shall be required *whenever there is a structural change in any building or structure*, or when any project exceeds a cost of two thousand dollars (\$2,000), other than exceptions listed below. Value of project is based on materials and labor; if labor is not factored into the value (i.e. a “Do-it-yourself” project) a formula approved by the City Council, or double materials cost, will determine total value.
3. No permit shall be required for:
 - a. Maintenance of any structure.
 - b. Replacement of gutters, downspouts, storm windows, storm doors, or similar type siding and roofing materials (upgrade subject to permit). (Ord.No.04-16; Rev 12-31-04)
 - c. Repair, maintenance or demolition of fences, decks and accessory structures less than or equal to (\leq) two hundred (200) square feet.
 - d. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - e. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 - f. Sidewalks, driveways, and cement work which is not intended to be a base for a permissible structure. The existence of such cement work (placed without permit) shall not be considered grounds for the issuance of a future building permit or variance. It is recommended that developers contact the City when doing these projects to ensure compliance with any applicable codes, ordinances, or design criteria.
 - g. Individual maintenance projects: painting, papering, tiling, carpeting, cabinets, countertops and similar finish work. When grouped, or part of a larger project scope, these projects will be subject to permit.
 - h. Prefabricated swimming pools that are less than twenty four (24) inches deep, and those that are seasonal. (see Chapter 11.09 Swimming Pools)
 - i. Swings and other playground equipment.
 - j. Window awnings supported by an exterior wall which do not project more than fifty four (54) inches from the exterior wall and do not require additional support, except where more restrictive rules apply.
 - k. Residential HVAC system replacement (upgrade subject to permit).
4. The Building Official may refer any application for permit to the Plan Commission. If the applicant is dissatisfied with the decision of the Plan Commission, an appeal may be made to the City Council within seven (7) days of notification and shall be acted upon by the Council at the next meeting.

21.0207: APPLICATION REQUIRED

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1. Every person, before erecting, altering or repairing any building within the zoning jurisdiction of this City or beginning such work thereon, or occupying any existing building or land, shall make an application to the Building Official, stating the location, dimension, purpose and name of owner of the building and land. In addition to said application, the applicant shall furnish and leave with the Building Official a plan and description of the manner of construction of the proposed building, the material to be used and plans of plumbing and other items as provided in the preceding section. In addition, if required by the Building Official, the applicant shall furnish him with regular plans and specifications of said building which may be retained by said Building Official long enough to examine same and, if said Building Official desires it, said plans and specifications or copy thereof may be filed and retained by him in his office. The determination of value or valuation shall be made by the Building Official. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or permanent equipment. (Ord 04-04; Rev 03-26-04)
2. Permit Issued. A building and/or zoning use permit shall be issued by the Building Official on payment of the prescribed fees if the Building Official is satisfied that the title has been fully complied with, upon condition that said permit when issued shall be good for one year from the date of issuance. Permits for commercial and industrial principal and accessory structures may, in the discretion of the Building Official, be issued for a period not to exceed three (3) years. In the event a commercial or industrial building permit is issued for more than one year, the permit fee for each additional year shall be one-half of the original permit fee. The Building Official is authorized to grant in writing, upon request of the applicant and payment

of an administrative fee, one or more extensions of the expiration date of a building permit in increments of up to one additional year each. The administrative fee shall be one-half (1/2) of the original prescribed building permit fee for each incremental extension of said building permit expiration date. (Ord 09-17; Add 09-11-09) Any lapse of a building permit (residential or non-residential) when construction of the permitted building has not been completed shall render the building a public nuisance and unlawful for not being completed within a reasonable amount of time. (Ord 17-38; Rev 11-10-17)

3. Permit Card Posted. Such permit shall be posted in a conspicuous place upon the premises at all times from the beginning until the completion of such construction, alteration, repair or occupancy. (Ord 04-16; Rev 12-31-04)
4. The Building Official shall make such determination pursuant to a schedule based on building size and type and which said schedule shall be approved by the Council and filed with the Office of the City Engineer with date of the approval.
5. Moved in Building Provisions. It shall be unlawful to move any house or other building onto any lot or to any new location within the City unless and until a permit to do so has been obtained from the Building Official. No permit shall be issued until the following requirements are met:
 - a. The fee for said permit as prescribed by Section 21.0207 shall have been paid.
 - b. It shall have been shown to the satisfaction of the Building Official that said house or other building complies with the gas, plumbing, electrical and construction requirements of the City.
 - c. The work is to be completed within twelve (12) months after the permit has been issued by the Building Official.
 - d. Any building which is not newly constructed shall also meet the following minimum requirements to obtain a permit:
 - (1) The written consent of all property owners (one hundred percent (100%)) owning property immediately adjacent to the proposed building site.
 - (2) The written consent of seventy five percent (75%) of all property owners within three hundred (300) feet of said proposed building site.
 - (a) Building site for this section shall mean three hundred (300) feet from property lines for residentially used/zoned property, and three hundred (300) feet from the footprint of the proposed structure for commercially used/zoned property. Based on the above listed criteria the Building Official shall determine whether the three hundred (300) feet radius shall be measured from structure or property corners.
 - (b) Exceptions: the following structures are exempt from the moved in building provisions but subject to Building Official’s approval:
 - i. Any accessory structure less than two hundred (200) square feet on a residential lot.
 - ii. Any accessory structure up to twelve hundred (1,200) square feet on a commercial/ industrial lot, campus or R4 District.
 - iii. Any manufactured or mobile home moved into an R-4 District within a recognized mobile home park.
 - (3) If an applicant cannot acquire all signatures required by Subsection d(1) and (2) they may appeal the denial of the moved in building permit to the Board of Adjustment.
 - (4) A bond shall be furnished with sufficient sureties to be approved by the Building Official to the City to guarantee that the building will be placed on an adequate foundation, will be attached to the city electrical, water and sewer service where available, and that the property on which said building is to be located will be properly landscaped and seeded in accordance with requirements of the Building Official, said bond to be in a minimum of five hundred dollars (\$500).

21.0208: SCHEDULE OF FEES, CHARGES AND EXPENSES

[\(back to Chapter contents\)](#)

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

21.0209: AMENDMENTS

[\(back to Chapter contents\)](#)

The purpose of this section is to allow for amendments to or changes in zoning district boundaries and the zoning provisions contained herein.

1. Procedure.
 - a. Initiation. An amendment to the zoning ordinance may be initiated by the City Council, the Plan Commission or by a petition of the owners of a parcel or parcels of land for which rezoning is requested. An amendment not initiated by the Plan Commission shall be referred to the Plan Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Plan Commission or until sixty five (65) days have elapsed from the date of receipt of complete information about said request by the Plan Commission.
 - b. Application and Fee. Application shall be made on forms provided by the City and shall include all information and data requested. For a change in zoning, an application fee shall accompany the application in the amount specified in [Section 21.0207](#). (Ord 04-04; Rev 03-26-04)
 - c. Public Hearing. No amendment shall be adopted until a public hearing has been held thereon by the City Council. A notice of time and place and purpose of hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing. When a change of a zoning district boundary is initiated by the owner of a parcel, the applicant shall give written notice by certified mail, with return receipt, to all adjacent owners and other parties as required by the Building Official. When a change of a zoning district boundary is initiated by the Plan Commission or City Council, the City shall meet the above publication requirements and shall give written notice to all landowners whose property is subject to be rezoned. (E-597-1) (01-06) (Ord 04-04; Rev 03-26-04)
 - d. Adoption. Amendments to the zoning ordinance may be adopted by a majority vote unless the amendment has been denied by the Plan Commission in which case a two-thirds (2/3) vote of the City Council is required.
2. Reapplication. No application for the same or substantially the same amendment shall be made within six (6) months of the date of denial.

21.0210: REPEALED (Ord 16-20; Repealed 11-11-16)

Chapter 21.03
GENERAL PROVISIONS

Section

[\(back to Title contents\)](#)

[21.0301 Rules Governing the Interpretation of this Ordinance](#)

[21.0302 Application and Scope of Regulations](#)

[21.0303 Limitation of the Number of Building, Structures and Uses on a Zoning Lot](#)

21.0301: RULES GOVERNING THE INTERPRETATION OF THIS ORDINANCE [\(back to Chapter contents\)](#)

1. **Minimum Requirements.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.
2. **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of this ordinance upon the use of land, buildings or other structures are either more restrictive than comparable conditions imposed by any other provision of this ordinance or by any law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern.
3. **Private Agreements.** This ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement or legal relationship, the regulations of this ordinance shall govern.
4. **Unlawful Uses.** No buildings, structures or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.
5. **Not a Licensing Ordinance.** Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
6. **Cumulative Provisions.** The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in this ordinance.
7. **Separability.** It is hereby declared to be the intention of the City Council of the City of Watertown, South Dakota, that the several provisions of this ordinance are separable in accordance with the following:
 - a. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

21.0302: APPLICATION AND SCOPE OF REGULATIONS

[\(back to Chapter contents\)](#)

1. **Principal Permitted Uses.** No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a principal permitted use or accessory use under the district regulations for the zoning district in which the building, structure or land is located. No principal permitted use already established on the effective date of this ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations of the zoning district in which such use is located.
2. **Accessory Building, Structures or Uses.** No accessory building, structure or use of temporary building or structure or use shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Sections [21.1002](#) and [21.1004](#), Accessory Use Provisions, and all other regulations or requirements pertaining to the district in which such building, structure or use is located. (Ord 04-04: Rev 03-26-04)
3. **Lot Size Requirements.** Except as may be otherwise specifically provided in this ordinance:

- a. No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot; or shallower than the minimum lot depth required in the zoning district in which the building structure or land is located.
 - b. No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.
4. **Bulk Regulations.** This ordinance expresses both regulations in terms of maximum building or structure height, maximum lot coverage, maximum floor area ratio, minimum setbacks, and minimum front, side and rear yards. No building, structure or part thereof shall hereafter be built, moved or remodeled and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy: (Ord 04-04; Rev 03-26-04)
- a. So as to exceed the maximum building or structure height, maximum lot coverage percentage, or maximum floor area ratio specified for the zoning district in which the building or structure is located.
 - b. So as to provide any setback or front, side or rear or traditional yard that is less than specified for the zoning district in which such building, structure or use of land is located or maintained.
5. **Off-Street Parking and Loading.** No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by the provisions of this ordinance are provided.
- No structure or use already established on the effective date of this ordinance shall be enlarged, expanded or increased in use unless the minimal off-street parking and loading spaces which would be required by the provisions of this ordinance for such enlargement, expansion or increase in use are provided.
6. **Exemptions from the Regulations of this Ordinance.** The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district:
- a. Poles, wires, cables, conduits, laterals, pipes, mains, valves or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by the City of Watertown or the Watertown Municipal Utilities Board. (Ord 04-04; Rev 03-26-04)
 - b. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

21.0303: LIMITATION OF THE NUMBER OF BUILDING, STRUCTURES AND USES ON A ZONING LOT

1. **Residential Districts.** Within any residential district, not more than one (1) residential building or other principal permitted use shall be located on a single zoning lot. In addition, no residential building shall be located on the same zoning lot with any other use except permitted accessory uses. The provisions of this section shall not apply to any Planned Unit Development (PUD) District or Dwelling Complexes, or multiple uses when approved as “Conditional Uses” by the Board of Adjustment. (Ord 13-32; Rev 12-13-13)
2. **Non-Residential Districts.** In any district other than a residential district any number of buildings, structures or uses permitted by this ordinance may be established, constructed or maintained on a single zoning lot except that for any building used primarily for residential purposes and located within a commercial or industrial district, the provisions of Section 21.0303 (1) shall apply. (Ord 04-04; Rev 03-26-04) (Clerical Edit per § 22.0106, 1-13-17)

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Chapter 21.04
NONCONFORMITIES

Section

[21.0401 General](#)

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[21.0402 Extension or Enlargement of Nonconformities in General](#)

[21.0403 Nonconforming Lots of Record](#)

[21.0404 Nonconforming Uses of Land \(or Land with Minor Structures Only\)](#)

[21.0405 Nonconforming Structures](#)

[21.0406 Reconstruction of Certain Nonconforming Structures Permitted Subject to Conditions](#)

[21.0407 Nonconforming Uses - General](#)

21.0401: GENERAL

[\(back to Chapter contents\)](#)

Within the districts established by this ordinance or amendments that may be adopted there exist:

1. Lots;
2. Structures;
3. Uses of land and structures;
4. Characteristics of use;

which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to regulate the continuance of such nonconformities and, in some cases, to require the removal within a reasonable period of time.

21.0402: EXTENSION OR ENLARGEMENT OF NONCONFORMITIES IN GENERAL

Any nonconforming building or land use existing at the time of the passage of this ordinance may be continued even though such building, structure or land does not conform with the provisions of this ordinance for the district in which it is located. Any such existing nonconforming use may hereafter be extended throughout any part or parts of a building which were manifestly arranged or designed for such use at the time of the passage of this ordinance. Any such existing nonconforming land use may be expanded throughout any contiguous land area under the same ownership at the time of the adoption of this ordinance except where such nonconforming land use by its expansion enters into an area with a different zoning classification.

21.0403: NONCONFORMING LOTS OF RECORD

[\(back to Chapter contents\)](#)

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any platted single lot, or lots, of record located within the corporate limits of Watertown; notwithstanding limitations imposed by other provisions of this ordinance. These provisions shall apply even though such lot, or lots, fails to meet the minimum requirements for area or width or both that are applicable within the district. Any permitted construction, shall conform to the regulations for the district in which such lot, or lots, are located. In the event two or more lots or combinations of platted lots and portions of lots with continuous frontage in single ownership are of record, and provided any newly permitted construction thereon will comply with the minimum district requirements where such lot is located, the owner of such undivided combination of lots shall have the right to make application for a building permit. As a condition of permit issuance, a Development Lot Agreement or replatting of property may be required. In the event a portion of said platted nonconforming lot is ever sold or divided in a manner which renders the previously undivided platted nonconforming lot in noncompliance with the minimum lot area and width requirements established for the zoning district in which the parcel is located, the owner of such noncomplying parcel may make application for a building permit, but such divided platted nonconforming lot shall have no inherent building right. Nothing in this section shall prohibit the construction or expansion of a legal nonconforming building used as a single family dwelling provided such construction or expanded use complies with yard, height, lot coverage and use requirements for the zoning district in which the lot is located. (Ord 06-32; Rev 02-08-07)

21.0404: NONCONFORMING USES OF LAND

[\(back to Chapter contents\)](#)

No nonconforming use, building structure or premises, if once changed to conform to the requirements of this ordinance for the district in which it is located, shall ever be changed back so as to be nonconforming. If such a nonconforming use is discontinued or abandoned for more than one year, the Building Official, after notice by certified mail to the property owners, may cause the elimination of such nonconforming use. Nothing in this ordinance shall

prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official. (Ord 17-39; Rev 11-10-17)

21.0405: NONCONFORMING STRUCTURES

[\(back to Chapter contents\)](#)

The foregoing provision of this chapter shall apply to all buildings, structures, land or uses, except those buildings, land or uses which are agricultural in nature which may hereafter become nonconforming by reason of the rezoning of the area in which the same may be situated.

21.0406: RECONSTRUCTION OF CERTAIN NONCONFORMING STRUCTURES PERMITTED SUBJECT TO CONDITIONS

[\(back to Chapter contents\)](#)

Whenever any building existing in any of the districts as a nonconformity is condemned by an authorized public official, it cannot be rebuilt for a nonconforming use. If any nonconforming building is destroyed or damaged by any casualty, or raised to comply with FEMA regulations, such building may be repaired or replaced and its use continued providing said reconstruction shall not add to the nonconformity or add to the cubic contents of said building as the same existed at the time of such casualty; and provided further, that such repair or reconstruction of such building shall be begun within six (6) months after such casualty and completed within a reasonable time thereafter. However, if the damage caused by such casualty is such as to cause a loss in value exceeding sixty percent (60%) of the value immediately prior to such casualty then it cannot be rebuilt for a nonconforming use. The loss in value shall be computed as the difference between the actual cash value of the structure immediately before and after the casualty. Cash value shall be the same as that used for insurance purposes as approved by the State of South Dakota Insurance Code.

21.0407: NONCONFORMING USES - GENERAL

[\(back to Chapter contents\)](#)

Nothing contained in this chapter shall be so construed as to abridge or curtail the powers of the Plan Commission as set forth elsewhere in this ordinance.

**Chapter 21.05
ESTABLISHMENT OF DISTRICTS**

Section

[\(back to Title contents\)](#)

- [21.0501 Establishment of Districts](#)
- [21.0502 Establishment of Overlay Districts](#)
- [21.0503 Official Zoning District Map](#)
- [21.0504 Identification and Location of Official Zoning Map](#)
- [21.0505 Amendment of Official Zoning Map](#)
- [21.0506 Replacement of Official Zoning Map](#)
- [21.0507 Rules for Interpretation of District Boundaries](#)

21.0501: ESTABLISHMENT OF DISTRICTS

[\(back to Chapter contents\)](#)

For the purpose of this ordinance, the City is divided into the following districts:

- A-1 Agricultural District
- R-1 Single Family Residential District
- R-2 Single Family Attached Residential District
- R-2A Single Family Attached Residential District
- R-3 Multiple Family Residential District
- R-4 Manufactured Home Residential
- R-G Residential Garage District
- C-1 Community Commercial District
- C-2 Local Commercial District
- C-3 Highway Service Commercial District
- BP Business Park District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PUD Planned Unit Development District

21.0502: ESTABLISHMENT OF OVERLAY DISTRICTS

[\(back to Chapter contents\)](#)

For the purpose of this ordinance, each overlay district contains additional requirements which shall be included in, and take precedence over, underlying district regulations.

- AP Aquifer Protection District
- WE Wind Energy District
- GT-1 Gateway District

21.0503: OFFICIAL ZONING DISTRICT MAP

[\(back to Chapter contents\)](#)

The City is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this ordinance. The Aquifer Protection Overlay District Map acts as an overlay to the Official Zoning Map and further denotes the wellhead protection zones: Zone A – Critical Impact Zone and Zone B – Secondary Impact Zone. The Wind Energy Overlay District Map and the GT-1 Gateway Overlay District Map, and any future overlay districts created after the effective date of this ordinance, will act as additional overlays to the Official Zoning Map.

21.0504: IDENTIFICATION AND LOCATION OF OFFICIAL ZONING MAP

[\(back to Chapter contents\)](#)

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Finance Officer, and bearing the Seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this is the Official Zoning Map referred to in Chapter 21 of Ordinance 11-17 of the City of Watertown, South Dakota," together with the date of adoption of this ordinance. Such Official Zoning Map shall be located in the City Finance Office of the City of Watertown.

21.0505: AMENDMENT OF OFFICIAL ZONING MAP

[\(back to Chapter contents\)](#)

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, and has become law according to the statutes of the State of South Dakota. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on the Official Zoning Map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except with conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by this ordinance.

21.0506: REPLACEMENT OF OFFICIAL ZONING MAP

[\(back to Chapter contents\)](#)

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Finance Officer and bearing the seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on as part of Ordinance of the City of Watertown, South Dakota."

21.0507: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

[\(back to Chapter contents\)](#)

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

**Chapter 21.10
SUMMARY OF DISTRICT REGULATIONS**

Section

[\(back to Title contents\)](#)

- [21.1001 Residential Height and Placement Regulations](#)
- [21.1002 Residential Height and Placement Regulations for Accessory Structures](#)
- [21.1003 Non-Residential Height and Placement Regulations](#)
- [21.1004 Non-Residential Height and Placement Regulations for Accessory Structures](#)

21.1001: RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS [\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

Residential Districts		Minimum Density (SF/d.u.) a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard	Minimum Required Rear Yard	Maximum Overall Height b
R1 Single Family Dwelling Unit		9,000	9,000	75'	25'	9' c, d	25'	35'
R1 Single Family Dwelling Unit	Corner Lots	10,000	10,000	85'	25'	9' c, d	25'	35'
R-1C Compact Single Family Residential Dwelling Unit		5,000	5,000 i, j	50'	25'	6' & 9' c, d, j	25'	24'
R-1C Compact Single Family Attached Residential Dwelling Unit		5,000	10,000 i, j	50'	25'	0' to 9' c on non-party wall side	25'	24'
R-1C Compact Single Family Dwelling Unit	Corner Lots	6,900	6,900 i, j	75'	25'	6' & 9' c, d, j	25'	24'
R2A Single Family D.U.	No New Dev.	N/A	6,000	50'	25'	c, d	25'	35'
R2 Two Family Dwelling Unit		2,500	10,000	85'	25'	9' c, d	25'	35'
R2 Attached Single Family Dwelling		2,500	2,500/d.u.	85'	25'	0' to 9' c on non-party wall side	25'	35'
R3 3 to 8 Dwelling Unit		1,300 f	1,300/d.u.f,g	100'	30'	10'	25'	35'
R3 9 to 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	125'	30'	15'	25'	55'
Over 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	150'	30'	15'	25'	55'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'

Residential Garages		NA	5,000	50	25	9 e	25	24
Other allowable uses in residential Districts		7,500	7,500	75'	30'	9' c	25'	25'

- a. d.u. - dwelling unit
- b. Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy. (Ord 06-31; Rev 1-25-07)
- c. The required side yard will increase to ten (10) feet when the building is three (3) stories in height or more.
- d. Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.
- e. Not eligible for 10% side yard reduction. (Ord 13-09; Added 5-10-13)
- f. Square footage requirements shall be calculated based on the number of bedrooms per dwelling unit. (Ord 14-11; Added 4-11-14)

Number of bedrooms/dwelling unit	Square footage of lot required/dwelling unit
1	1300
2	1700
3	2100
4	2500

- g. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)
- h. The maximum allowable amount lot coverage shall be 55%
- i. The maximum allowable driveway curb cut is twelve (12) feet unless there is at least twenty (20) feet of continuous curb frontage.
- j. Each side yard may be allowed to be six (6) feet if there is improved secondary access to the rear yard. (Ord 18-12; Rev 08-10-18)

2. Supplemental Provisions for Residential Uses.

- a. Non-farm residential structures must have frontage on a public street. Farm buildings and farm-related residential structures are excluded from all provisions.
- b. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards.
- c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- d. In areas directly adjacent to Lake Kampeska and Lake Pelican, the yard adjacent to the lakeshore shall be considered as the front yard, and shall maintain a minimum setback of thirty (30) feet. This yard will be measured from the established high water mark as set by the state. (Ord 06-31; Rev 01-25-07).
- e. The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side. Any existing residential structure which observes a front setback that is less than required, may, at the discretion of the Building Official, be expanded to the full width of the main building. (example: a front porch).
- f. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet. (E-545-1) (Ord 13-14; Rev 06-28-13)

- g. Existing legal nonconforming parcels, or lot(s) of record with a building right, may be developed with 1 or 2 family dwellings, regardless of minimum area, width & density requirements, if all other minimum requirements are met. (only single family dwellings allowed in R-1 District)
- h. R-2A zoning is not to be used to increase the density of development beyond what existed as of 1/1/05; further subdivision of lots in this zone is prohibited. (example: a single 100’ lot may not be split into 2 - 50’ lots, but a single 150’ lot may be split into 2 – 75’ lots)
- i. Single Family and Multi-Family dwellings shall have siding and roofing material of a type customarily used on site constructed residences (as approved by the Building Official.) (Ord 08-11; Rev 07-11-08)
- j. Decks shall observe the same setbacks as primary structures, see Table 21.1001.

21.1002: RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

[\(back to Chapter contents\)](#)

- 1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear
Structures greater than 200 square feet	18’	25’	9’ a, c	9’ b
Structures less than or equal to 200 square feet	12’	25’	4’	4’

- a See Section 21.1002 (2)(d).
- b See Section 21.1002 (3)(a).
- c Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

2. General Provisions for Residential Accessory Uses

- a. Accessory uses shall be permitted for the principal permitted uses and conditional uses only in accordance with the following provisions hereby adopted by reference and declared to be part of this ordinance.
- b. Only specifically authorized accessory uses are allowed. Accessory uses must be subordinate to principal use. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
- c. Location and coverage of accessory uses, building and structures. No accessory use, building or structure permitted by this ordinance may be located in a required front yard except by conditional use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback or as otherwise specified in this ordinance. (Ord 04-04; Rev 03-26-04)
- d. Accessory buildings, two hundred (200) square feet or greater, which are attached to or located within ten (10) feet of the main building shall be considered part of the main building and shall comply with the same yard requirements as the main building.
- e. Allowable number of accessory buildings.
 - (1) Lots less than or equal to 43,560 square feet in total area: One (1) unattached garage, one (1) attached garage, and one (1) storage structure (per dwelling unit).
 - (2) Lots greater than 43,560 square feet in total area: Up to two (2) unattached garages, one (1) attached garage, and one (1) storage structure (per dwelling unit)
- f. Residential dwelling prohibited in accessory buildings. No accessory building may be used for residential dwelling purposes at any time. No accessory building will be allowed to provide means for cooking or sleeping. (Ord 08-11; Rev 07-11-08)
- g. Structures shall not be located in or over any easement.

- h. All Conditional Uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustments. (Ord 08-11; Rev 07-11-08)

3. Supplemental Provisions for Residential Accessory Structures greater than 200 Square Feet.

- a. A garage permitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the alley line. A garage permitted after July 11, 2008 which is entered perpendicular to an alley shall not be located closer than twenty (20) feet to the alley line. A garage which is entered parallel to an alley shall not be located closer the nine (9) feet to the alley line. (Ord 08-11; Rev 07-11-08)
- b. Rear yards for homes located on lakefront property will be treated the same as an alley.
- c. Attached Garage Standards.
 - (1) An attached garage shall be limited to three (3) garage doors/stalls per side or frontage, a width not to exceed forty two (42) feet, a depth not to exceed fifty six (56) feet, and shall conform to the design of the house.
 - (2) Attached garages to exceed maximum size or number of garage doors/stalls may be permitted at the discretion of the Building Official.
 - (3) In cases where attached garages are allowed to exceed the maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.
- d. Unattached Garage.
 - (1) The cumulative size shall be limited based on total square foot area of a residential lot as follows:
 - (a) Up to 10,000 square feet:
Thirteen percent (13%) of lot area or 1,260 square feet, whichever is less
 - (b) 10,001 – 20,000 square feet:
Eight percent (8%) of lot area or 1,260 square feet, whichever is greater
 - (c) 20,001 – 43,560 square feet:
Five percent (5%) of lot area or 1,600 square feet, whichever is greater
 - (d) 43,561 – 87,119 square feet:
Four percent (4%) of lot area or 2,180 square feet, whichever is greater
 - (e) Over 87,120 square feet:
Three percent (3%) of lot area or 3,485 square feet, whichever is greater
 - (2) Limitations.
 - (a) An unattached garage shall be limited to maximum side wall height of ten feet two inches (10’2”) (allows 116 5/8” precut studs); a maximum height of eighteen (18) feet to the peak, or conform to the design of the house. (Ord 14-26; Rev 08-15-14)
 - (b) Structures may be located in the required rear yard, but may not occupy more than thirty percent (30%) of the required rear yard. However, detached accessory buildings for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.
- e. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
- f. Metal clad or vinyl covered canopies for permanent or temporary storage, with or without foundations are prohibited.

4. Supplemental Provisions for Residential Accessory Structures Less Than or Equal to 200 Square Feet.

- a. All structures greater than one hundred (100) square feet must adhere to the same material requirements as garages.
- b. Prefabricated structures one hundred (100) square feet or less may be constructed from metal, plastic, etc.

5. Supplemental Provisions for Allowable Miscellaneous Accessory Structures.

- a. Permanent sports or recreational structures or facilities, such as tennis courts, swimming pools, barbecue pits and similar improvements, provided a site plan for such facility is approved.
- b. Noncommercial greenhouses, provided that greenhouses over one hundred (100) square feet in floor area must have an approved site plan.
- c. Microwave antennas only by special permit as set forth in Chapter 21.72.

- d. Boat houses may be permitted by conditional use on lots adjacent to the shores of Lake Kampeska and Lake Pelican. In reviewing applications for boat houses, the Board of Adjustment will consider the following factors:
 - (1) Size of lot, size of proposed boat house, and location on lot.
 - (2) Amount of blockage of lake view to adjacent lots.
 - (3) Potential erosion problems caused by construction.
 - (4) Topography and slope of lot.
 - (5) Other factors which the Board of Adjustment may deem appropriate.
- e. All uses customarily incidental to religious institutions, not to include commercial use.

21.1003: NON-RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS ([back to Chapter contents](#))

1. General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below. (Ord 18-02; Rev 04-27-18)

	Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard	Minimum Required Rear Yard	Maximum Mean Height ^b
A-1 Districts	35 Acres	NA	400'	30'	25'	40'	35'
C-1 Districts	NA	10,000	NA	NA	0' or 30' (adj to R)	NA	60'
C-2 Districts	NA	10,000	100'	40'	30'	30'	60'
C-3 Districts	NA	20,000	100'	40'	20'	30'	60'
I-1 Districts	NA	30,000	100'	40'	20'	30'	60'
I-2 Districts	NA	220,000	300'	75'	50'	50'	60'
BP Districts	20 Acres	3 Acres	NA	50'	20'	20'	60'

a d.u. - dwelling unit

b Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy. (Ord 06-31; Rev 01-25-07) (Ord 16-13; Rev 10-14-16)

2. Non-Residential Supplemental Provisions

- a. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards.
- b. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- c. The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side.
- d. Where a zero lot line development is being proposed in a new subdivision the minimum lot width may be reduced to sixty (60) feet. (E-545-1).
- e. Decks shall observe the same setbacks as primary structures, see Table 21.1003.

21.1004: NON-RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

[\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks			
		Front	Side	Rear	
A-1 Districts	40'	30'	25'	40'	
C-1 Districts	30'	30'	30'	30'	
C-2 Districts	30'	30'	10'	10'	
C-3 Districts	30'	35'	20'	10'	
I-1 Districts	40'	40'	25'	25'	
I-2 Districts	40'	75'	50'	50'	

2. General Provisions for Non-Residential Accessory Uses

- a. All conditional uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustment. (Ord 08-11; Rev 07-11-08)
- b. Only specifically authorized accessory uses are allowed. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
- c. Location of accessory uses, building and structures. No accessory use, building or structure permitted by this ordinance may be located in a required front yard except by Conditional Use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback. (Ord 04-04; Rev 03-26-04)
- d. Structures shall not be located in or over any easement.

3. Non-Residential Accessory Use Provisions

Any accessory use customarily incidental to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district. (Ord 08-11; Rev 07-11-08)

Chapter 21.12
A-1 AGRICULTURAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.1201 Purpose](#)

[21.1202 Permitted Uses](#)

[21.1203 Conditional Uses](#)

[21.1204 Area and Bulk Requirements](#)

21.1201: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the A-1 Agricultural District is included in the Zoning Ordinance to achieve the following purposes:

1. To prevent premature urban development of certain lands which eventually may be appropriate for urban uses, until the installation of drainage works, streets, utilities and community facilities and until objective projections of appropriate land uses are possible.
2. To permit the conduct and perpetuation of certain agricultural pursuits on land within the City.
3. To ensure adequate light, air and access for various land uses and to provide adequate separation between dwellings and facilities for housing animals.

21.1202: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Agricultural activities and related farm buildings.
2. On-site constructed single family detached residential structures.
3. Type I manufactured homes (see [21.7101\(1\)](#)).
4. Public parks and recreation areas.
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.

21.1203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Type II manufactured homes (see [21.7101\(2\)](#)).
2. Mining, subject to the provisions of this ordinance.
3. Veterinary clinics (Large and/or small animal, with or without outside runs).
4. Stables and kennels, public and private.
5. Airports and airstrips.
6. Religious Institutions and/or cemeteries.
7. Animal feedlots.
8. Sewage treatment plants.
9. Public and quasi-public institutions or services
10. Livestock sales.
11. Commercial greenhouses and nurseries.
12. Golf course and driving range.
13. Game propagation areas.
14. Privately operated outdoor recreational facility, including campsites.
15. Horticultural services.
16. Home occupations.
17. Funerary Service (Non-Human) (Ord 08-04: Rev 04-11-08)

21.1204: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density, and providing minimum lot requirements. (Ord 04-04; Rev 03-26-04)

Chapter 21.14
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section

- [21.1401 Purpose](#)
- [21.1402 Permitted Uses](#)
- [21.1403 Conditional Uses](#)
- [21.1404 Area and Bulk Requirements](#)

[\(back to Title contents\)](#)

21.1401: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1402: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Single family detached residential dwellings including attached or detached garages, but not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public utilities and services required by the resident population.
3. Public park or playground.
4. Accessory uses and buildings in accordance with the provisions and regulations of [Section 21.1002](#) and/or [21.1004](#) of this ordinance.
5. Modular Homes.

21.1403: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Day care homes caring for children, provided that such facilities shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child. In addition, such facilities shall supply adequate off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards. (Ord 12-17; Rev 06-15-12)
2. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
3. Religious institutions, public libraries, museums and schools.
4. Reserved.
5. Home occupations in accordance with [Chapter 21.70](#).
6. Bed and Breakfast.
7. Licensed day care centers in conjunction with religious institutions.
8. Golf course, recreational use, community center.
9. Public utilities and governmental building which serve more than the immediate geographic neighborhood, examples include but are not limited to substations, regulator substations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses. (Ord 04-04; Rev 03-26-04)
10. Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements.
11. Specific Use Office Building, only allowed on property which abuts US Highways 81 and 212, and SD Highway 20, and which has a lot width of not less than seventy five (75) feet. (Ord 02-11; Rev 01-19-03) (Ord 09-10; Rev 07-11-09) See [Chapter 21.74](#).
12. Office in an existing structure not originally designed for human residence, specifically excluding new construction. (Ord 06-31; Add 01-25-07)

21.1404: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.15
R-1C COMPACT SINGLE FAMILY RESIDENTIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.1501 Purpose](#)

[21.1502 Permitted Uses](#)

[21.1503 Conditional Uses](#)

[21.1504 Area and Bulk Requirements](#)

21.1501: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1502: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Single family detached residential dwellings including attached or detached garages, but not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public utilities and services required by the resident population.
3. Public park or playground.
4. Accessory uses and buildings in accordance with the provisions and regulations of [Section 21.1002](#) and/or [21.1004](#) of this ordinance.
5. Modular Homes.

21.1503: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Day care homes caring for children, provided that such facilities shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child. In addition, such facilities shall supply adequate off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards. (Ord 12-17; Rev 06-15-12)
2. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
3. Religious institutions, public libraries, museums and schools.
4. Reserved.
5. Home occupations in accordance with [Chapter 21.70](#).
6. Bed and Breakfast.
7. Licensed day care centers in conjunction with religious institutions.
8. Golf course, recreational use, community center.
9. Public utilities and governmental building which serve more than the immediate geographic neighborhood, examples include but are not limited to substations, regulator substations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses. (Ord 04-04; Rev 03-26-04)
10. Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements.
11. Specific Use Office Building, only allowed on property which abuts US Highways 81 and 212, and SD Highway 20, and which has a lot width of not less than seventy five (75) feet. (Ord 02-11; Rev 01-19-03) (Ord 09-10; Rev 07-11-09) See [Chapter 21.74](#).
12. Office in an existing structure not originally designed for human residence, specifically excluding new construction. (Ord 06-31; Add 01-25-07)

21.1504: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking."](#) (Ord 04-04; Rev 03-26-04)

No area shall be eligible unless it contains a half block area or approximately one (1) acre.

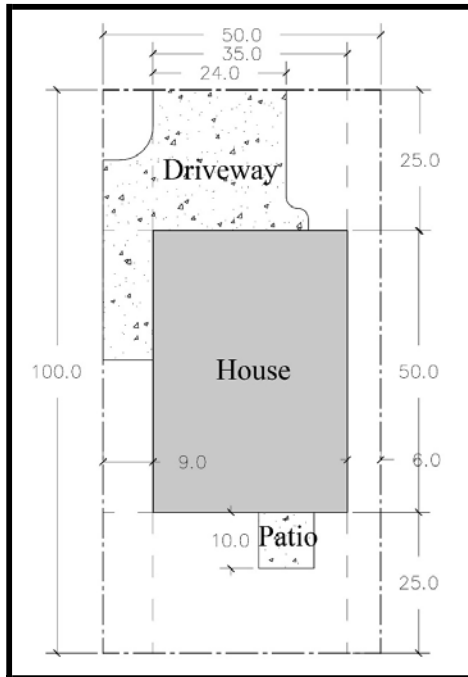
21.1505: GRAPHIC ILLUSTRATION

[\(back to Chapter contents\)](#)

1. Minimum Area Requirements (one-half block) to Rezone to R-1C Compact Single Family Residential District.



2. R-AC Lot Requirements with setbacks within the maximum allowable lot coverage of 55%



Chapter 21.16
R-2 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.1601 Purpose](#)

[21.1602 Permitted Uses](#)

[21.1603 Conditional Uses](#)

[21.1604 Area and Bulk Requirements](#)

21.1601: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the R-2 Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the land around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influence.

21.1602: PERMITTED USES

[\(back to Chapter contents\)](#)

1. All permitted uses in the R-1 District.
2. Two-family residential dwellings. (Ord 04-04; Rev 03-26-04)
3. Type I manufactured homes (see [21.7101\(1\)](#)).

21.1603: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Any conditional use listed in the R-1 District.
2. Three and four family dwellings.
3. Licensed residential treatment or group homes (not to exceed four (4) persons, not including employees).
4. Neighborhood retail establishments.
5. Single family zero lot line developments with eight or more contiguous lots by original plat.
6. Funeralary Service. (Ord 08-04; Rev 04-11-08)
7. Assisted Living Centers

21.1604: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.18
R-2A SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.1801 Purpose](#)

[21.1802 Initiation and Criteria](#)

[21.1803 Permitted Uses](#)

[21.1804 Conditional Uses](#)

[21.1805 Area and Bulk Requirements](#)

21.1801: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#) Objectives and [21.1601](#) Purpose the R-2A Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To create a zoning district which includes identified areas that were previously zoned R-2, per the Official Zoning Map, and platted prior to January 1, 2005 that contain a concentration of lots which do not conform to the area standards within the R-2 zoning district.
2. To allow flexibility in the development of lots that were platted prior to January 1, 2005 that do not generally comply with the area and use requirements within their respective zoning district(s).
3. To allow the continuation of residential uses while limiting density of development to that which existed as of January 1, 2005. (Ord 08-18; Rev 10-10-08)

21.1802: INITIATION AND CRITERIA

[\(back to Chapter contents\)](#)

1. Rezoning of property to an R-2A designation may only be initiated by the Plan Commission notwithstanding any contrary provision within [Section 21.0209\(1\)](#).
2. Any decision by the Plan Commission on whether to initiate a rezoning to R-2A District shall take into account the following criteria: area; location; land use, The City of Watertown Comprehensive Land Use Plan and any ancillary studies and/or any other factor deemed relevant by the Plan Commission. Any decision by the Plan Commission shall be deemed final and will not be eligible for reconsideration for a period of one year. (Ord 08-18; Rev 10-10-08)

21.1803: PERMITTED USES

[\(back to Chapter contents\)](#)

All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

[\(back to Chapter contents\)](#)

Any conditional use listed in the R-2 District.

21.1805: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.20
R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.2001 Purpose](#)

[21.2002 Permitted Uses](#)

[21.2003 Conditional Uses](#)

[21.2004 Area and Bulk Requirements](#)

21.2001: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the R-3 Multi-Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2002: PERMITTED USES

[\(back to Chapter contents\)](#)

1. All permitted uses in the R-1 District.
2. Multiple dwelling units and accessory structures.
3. Townhouses. (Ord 04-04; Rev 03-26-04)
4. Type I manufactured homes. ([Section 21.7101\(1\)](#)) (E-506)

21.2003: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Any conditional use listed in the R-1 and R-2 Districts (except three and four family dwellings which are a permitted use within this district).
2. Storage Units. (Individual units must be less than or equal to (\leq) six hundred (600) sf). (Ord 04-04; Rev 03-26-04)
3. Clubs, lodges and community centers.
4. The replacement of existing Type II manufactured homes. (See [21.7101\(2\)](#))
5. Clinics and Hospitals.
6. Licensed residential treatment or group homes.
7. Specific Use Office Building, only allowed on property which abuts any collector street or minor arterial street, as those terms are defined in the comprehensive land use plan adopted by the City, when such property is directly contiguous to any commercially zoned property and/or any Planned Unit Development (PUD) within the City, and when such PUD does not include proposed or existing land uses whose proximity to the proposed location of the specific use office building would, in the opinion of the Board of Adjustment, render granting the conditional use contrary to established zoning and land use principals; and has a lot frontage width of not less than seventy five (75) feet. (Ord 09-10; Add 07-11-09)
8. Combination of two or more Permitted or Conditional Uses allowed for in the R-3 District. (Ord 13-26; Rev 12-13-13)

21.2004: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.22
R-4 MANUFACTURED HOMES RESIDENTIAL DISTRICT

Section

[\(back to Title contents\)](#)

- [21.2201 Purpose](#)
- [21.2202 Permitted Uses](#)
- [21.2203 Conditional Uses](#)
- [21.2204 General Requirements](#)
- [21.2205 Area and Bulk Requirements](#)
- [21.2206 License Required](#)

21.2201: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102](#), Objectives, the R-4 Manufactured Homes Residential District is included in the Zoning Ordinance to achieve the following purposes: (Ord 04-04; Rev 03-26-04)

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2202: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Manufactured homes in manufactured home courts by Planned Unit Development procedures, except that manufactured home courts shall be a minimum of ten (10) acres. (E-545-1) (Ord 04-04; Rev 03-26-04)
2. Uses necessarily incidental to a manufactured home court, bathroom, laundry, storm shelter, storage units, etc. (Ord 04-04; Rev 03-26-04)
3. Sale of new or used manufactured homes by the owner of a court is permitted when the home is used and occupied within that same manufactured home court. (Ord 10-29; Rev 11-26-10)
4. Single family residential dwellings including attached or detached garages, on property zoned R-4, but not in a recognized court.
5. Public utilities and services required by the resident population.
6. Park or playground.
7. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.

21.2203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Home occupations in accordance with [Chapter 21.70](#).
2. Day Care Homes in accordance with [21.1403\(1\)](#). (Ord 12-17; Add 06-15-12)
3. Travel trailers, campers or similar, for seasonal construction workers, provided they are within a designated area.

21.2204: GENERAL REQUIREMENTS

[\(back to Chapter contents\)](#)

In addition to the Planned Unit Development procedure, R-4 Manufactured Homes Residential Districts are subject to the following minimum requirements: (Ord 04-04; Rev 03-26-04)

1. (Reserved)
2. The land area used or occupied by one manufactured home or other housing unit as a manufactured home court shall be not less than fifty (50) feet in width and not less than seventy five hundred (7,500) square feet in area and the same shall be defined by markers at each corner. Further, the minimum width of walkways

serving such manufactured home lots shall be four (4) feet in width, and driveways serving such manufactured home lots shall be twenty (20) feet in width. No manufactured home or other living unit together with any appendages such as covered entrances or rooms or porches shall be placed within six (6) feet of its individual lot line, twelve (12) feet from one another, side to side, and not less than twenty (20) feet of one another, end to end, nor within twenty five (25) feet of any exterior property line of the court. (Ord 04-04; Rev 03-26-04)

3. Two (2) off-street automobile parking spaces shall be provided for each manufactured home or living unit in a manufactured home. Such off-street parking spaces shall be set aside in a location convenient to the occupants of the manufactured home and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding twenty five (25) feet in width in the curb line of said street. (Ord 04-04; Rev 03-26-04)
4. Where private streets are proposed in an R-4 District, they shall have a minimum right-of-way of fifty (50) feet. (Ord 04-04; Rev 03-26-04)
5. Each manufactured home court shall provide the following minimum facilities on the site for the common use of all manufactured home occupants: (Ord 04-04; Rev 03-26-04)
 - a. (Reserved) (Ord 04-04; Rev 03-26-04)
 - b. Each manufactured home shall be connected with an approved sanitary sewer and water supply system. Laundry facilities shall be connected to an approved water supply and sanitary sewer system. (Ord 04-04; Rev 03-26-04)
 - c. Site lighting shall be provided. All of the requirements shall meet specifications approved by the City Engineer. (Ord 04-04; Rev 03-26-04)
 - d. Each manufactured home court shall maintain a register for the registration of all occupants, and such other information as may be required by law. (Ord 04-04; Rev 03-26-04)
 - e. All manufactured homes, regardless of location, unless such manufactured homes are securely anchored to a permanent foundation approved by the Building Official, shall be anchored to the ground, in accordance with the manufacturer's specifications or as prescribed by the ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04)
6. Any permit allowing a manufactured home court shall require the development of a minimum of at least ten (10) sites within twelve (12) months from the date of issuance of the permit. (E-545-1) (Ord 04-04; Rev 03-26-04)
7. Whenever a manufactured home is moved into an existing court, a permit from the Building Official shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)
8. Existing manufactured home courts may be expanded. The minimum land area required for an expansion of an existing manufactured home court shall be five (5) acres. Prior to any expansion, the applicant shall be required to submit a site plan and approval of the Plan Commission. The expansion shall comply with all other regulations herein set forth.
9. New manufactured home courts shall be required to provide a storm shelter or storm shelter plan. The shelter and/or shelter plan shall require the approval of the City Engineer.

21.2205: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

21.2206: LICENSE REQUIRED

[\(back to Chapter contents\)](#)

No person shall establish, maintain or operate a manufactured home court without having obtained a license to do so. The license shall be issued by the City Council, from year to year, upon approval of an application for such license. All licenses shall expire on December 31 of the year in which issued. The annual license fee shall be established by resolution of the City Council. (C-201-3) (E-617-1) (Ord 12-23; Rev 09-14-12)

Chapter 21.23
R-G RESIDENTIAL GARAGE DISTRICT

Section

[\(back to Title contents\)](#)

- [21.2301 Purpose](#)
- [21.2302 Permitted Use\(s\)](#)
- [21.2303 Requirements](#)
- [21.2304 Prohibited Uses](#)
- [21.2205 Area and Bulk Requirements](#)

21.2301: PURPOSE

[\(back to Chapter contents\)](#)

It is the purpose of the Watertown City Council and Watertown Plan Commission to establish a district which allows for the construction of a residential garage on a lot that does not contain a residential dwelling unit, and therefore; becomes the primary structure.

21.2302: PERMITTED USE(S)

[\(back to Chapter contents\)](#)

1. Garage for residential storage use.

21.2303: REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Area

- a. Must be located adjacent to a residential district.
- b. No area shall be eligible unless it contains at least one (1) acre and a minimum of three hundred (300) feet of improved street frontage.
- c. Before a Petition for Rezone can be heard the following requirements must be met:
 - i. The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.
 - ii. The written consent of a majority (fifty-five percent (55%)) of all property owners within two hundred and fifty (250) feet of the proposed zone.
 - iii. If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord 17-12; Rev 05-12-17)

2. Structure

- a. Garages shall be in accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Only one (1) garage will be allowed per lot.
- c. Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.
- d. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- e. A garage’s maximum side wall height shall not exceed sixteen (16) feet.
- f. A sidewall of a building that exceeds twelve (12) feet in height and twenty (20) feet in length requires [sidewall articulation](#) in the form of a structural projection of at least two (2) feet in depth and six (6) feet in length, and must extend from grade to the eave. The eave must be at least two (2) feet.
- g. Connection to sanitary sewer is allowed.
- h. Must have a paved driveway.
- i. Maximum size shall not exceed two thousand one hundred and eighty (2,180) square feet or thirty percent (30%) of lot area, whichever is greater. (Ord 13-13; Added 6-28-13)
- j. Maximum pitch height shall not exceed thirty (30) feet.
- k. Where any structure has twelve (12) foot sidewalls, the required side yard shall be a minimum of nine (9) feet. Side yards shall increase by one-half (1/2) foot for every one (1) foot in additional height. (Ord 17-12; Rev 05-12-17)

Outside Storage

- l. Outside storage may be permitted, if acceptable screening is provided and approved by the Building Official.
- m. Outside storage is not allowed in front of the building.

3. Sidewalk/Recreational Trail

- a. A Waiver-of-Right-to-Protest may be required.

21.2304: PROHIBITED USES

[\(back to Chapter contents\)](#)

1. Non-residential uses.
2. Home Occupations.
3. Residential dwelling uses (living quarters).
4. Harboring of animals.
5. Sheds.

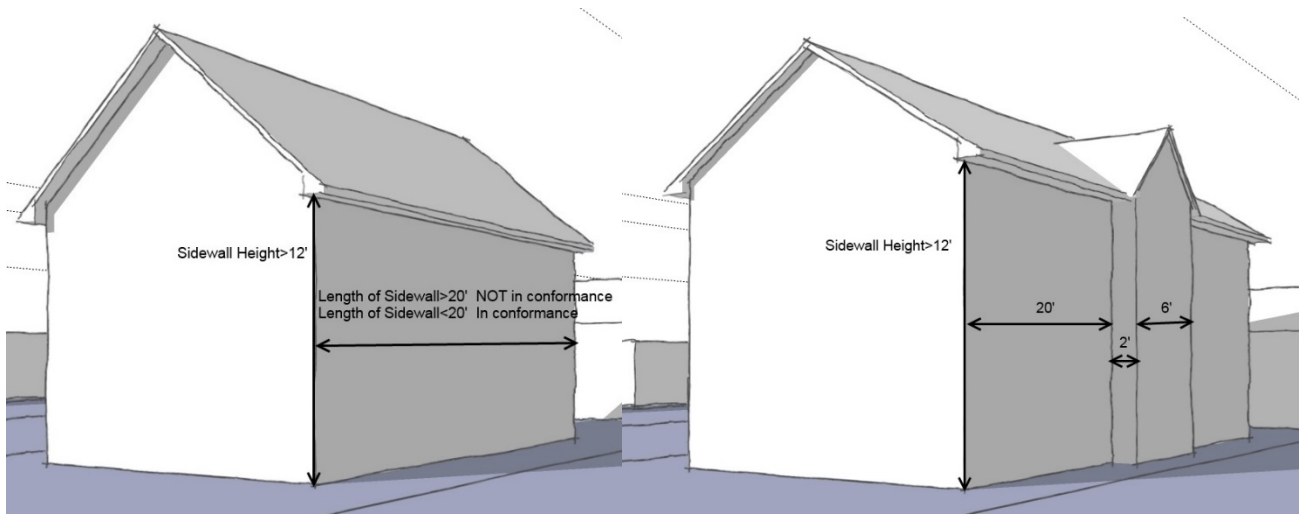
21.2305: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04) (Ord 13-09; Added 5-10-13)

Figure 21.2303(2f)

Sidewall articulation is required for buildings that exceed twelve (12) feet in height and twenty (20) feet in length. Articulation shall be in the form of a structural projection of at least two (2) foot in depth and six (6) feet in length, and must extend from grade to eave. (Ord 17-12 ; Add 05-12-17)



Chapter 21.24
C-1 COMMUNITY COMMERCIAL DISTRICT

Section

[\(back to Title contents\)](#)

[21.2401 Purpose](#)

[21.2402 Permitted Uses](#)

[21.2403 Conditional Uses](#)

[21.2404 Area and Bulk Requirements](#)

21.2401: PURPOSE

[\(back to Chapter contents\)](#)

1. To provide retail and service uses that serve the whole community and supply a wide range of goods and services required by the primary marketable population.
2. To permit development of community retail centers of a size and in the locations shown in the Comprehensive Land Use Plan.

21.2402: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Retail establishments.
2. Service establishments.
3. Establishments manufacturing a product to be sold at retail on premises.
4. Entertainment services.
5. Financial institutions.
6. Uses operated by a governmental entity.
7. Newspaper and printing firms.
8. Office (Building).
9. Parking lot and/or parking ramps.
10. Apartments (up to and including four units) using the upper floors of commercial buildings.
11. Accessory structures and uses customarily incident to the above permitted uses.
12. Restaurants. (Ord 04-04; Rev 03-26-04)

21.2403: CONDITIONAL USES

[\(back to Chapter contents\)](#)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Lumberyard. 2. Bakery. 3. Truck or Bus Terminal. 4. Bar or Tavern. 5. Reserved. (Ord 04-44; Rev 03-26-04) 6. Manufacture/assembly of products and goods. 7. Wholesale merchandising. 8. Day Care Facility (Non-residential). 9. Apartment houses. 10. Hotel/Motel/Inn. 11. Storage Units. 12. Contractor Shops & Storage Yards. | <ol style="list-style-type: none"> 13. Bed and Breakfast. 14. Civil/Social Organizations. 15. Social Assistance. 16. Religious Institutions. 17. Theater. 18. Clinic. 19. Convention Center/Banquet Facility. 20. Warehouse. 21. Recreational Use. 22. Service Station – Motor Vehicle. 23. Car Wash (automatic or semi-automatic). 24. Apartments (over 4 units) using the upper floors of commercial buildings. |
|---|---|
25. Apartment(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear.
 26. Any and all permitted uses in the R-1 “Single Family Residential District” or R-3 “Multi-Family Residential District,” where such use existed prior to the adoption of this conditional use, and where such conditional use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.
 27. Other uses which in the opinion of the Board of Adjustment are of the same general character.
 28. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13) (Ord 17-02; Rev 03-31-17)

21.2404: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.26
C-2 LOCAL COMMERCIAL DISTRICT

Section

[21.2601 Purpose](#)

[21.2602 Permitted Uses](#)

[21.2603 Conditional Uses](#)

[21.2604 Area and Bulk Requirements](#)

[\(back to Title contents\)](#)

21.2601: PURPOSE

[\(back to Chapter contents\)](#)

1. To provide for neighborhood local retail and service uses that serve the day to day needs of residents in convenient and appropriate locations.
2. To permit development of neighborhood local shopping facilities as designated in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2602: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Neighborhood Retail Establishments.
2. Automobile parking lot.
3. Bank or financial institution.
4. Service Establishments.
5. Public Utilities which serve the resident population. (Ord 04-04; Rev 03-26-04)
6. Office (Building).

21.2603: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Car Wash (automatic or semi-automatic).
2. Service Station – Motor Vehicle.
3. Hotel/Motel.
4. Bar or Tavern.
5. Restaurant.
6. Day Care Facility (Non-residential).
7. Assisted Living Center (Ord 06-31; Add 01-25-07)
8. Clinic, (Ord 06-31; Add 01-25-07)
9. Storage Units. (Individual units must be less than or equal to (\leq) six hundred (600) sf)
10. Funerary Service (Ord 08-04; Rev 04-11-08)
11. Other uses which in the opinion of the Board of Adjustment are of the same general character. (Ord 17-02; Rev 03-31-17)

21.2604: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.28
C-3 HIGHWAY COMMERCIAL DISTRICT

Section

- [21.2801 Purpose](#)
- [21.2802 Permitted Uses](#)
- [21.2803 Conditional Uses](#)
- [21.2804 Area and Bulk Requirements](#)
- [21.2805 Prohibited Uses](#)

[\(back to Title contents\)](#)

21.2801: PURPOSE

[\(back to Chapter contents\)](#)

1. To establish appropriate locations along major streets and highways for highway and automobile related retail and service establishments.
2. To permit development of highway service centers in the appropriate locations shown in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2802: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Service Station – Motor vehicle.
2. Retail establishments.
3. Service Establishments.
4. Motels and Hotels. (Ord 04-04; Rev 03-26-04)
5. Motor vehicle sales. (Ord 12-18; Rev 06-15-12)
6. Office (Building).
7. Financial institutions.
8. Restaurants.
9. Clinics.
10. Veterinary clinics (only small animal, without outside runs).
11. Automobile parking lot.
12. Farm machinery and/or semi-trailer/semi truck sales. (Ord 04-04; Rev 03-26-04)

21.2803: CONDITIONAL USES

[\(back to Chapter contents\)](#)

- | | |
|--|---|
| 1. Car Wash (automatic or semi-automatic). | 9. Apartments. |
| 2. Theater. | 10. Day Care Facility (Non-residential) |
| 3. Bar or Tavern. | 11. Storage units. |
| 4. Truck or Bus Terminal. | 12. Contractor Shops & Storage Yards. |
| 5. Bottling works. | 13. Light manufacturing. |
| 6. Lumberyard. | 14. Funerary Service. (Ord 08-04; Rev 04-11-08) |
| 7. Grain elevators and terminal. | 15. Funerary Service (Non Human)(Ord 08-04; Rev 04-11-08) |
| 8. Campground. (Ord 04-04; Rev 03-26-04). | 16. Wholesale establishment or warehouse in a completely enclosed building. |
17. Any and all permitted uses in the R-1 “Single Family Residential District” or R-3 “Multi-Family Residential District,” where such use existed prior to the adoption of this conditional use, and where such conditional use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.
 18. Other uses which in the opinion of the Board of Adjustment are of the same general character as those enumerated in the C-3 District.
 19. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
 20. Schools offering post secondary education. (Ord 14-38; Rev 01-10-15)

21.2804: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking,"](#) (Ord 04-04; Rev 03-26-04)

21.2805: PROHIBITED USES

[\(back to Chapter contents\)](#)

No art museum (except those sponsored by the public entities), art gallery, art publishing house or artist studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a C-3 District. (01-02)

Chapter 21.30
BP BUSINESS PARK DISTRICT

Section

[\(back to Title contents\)](#)

- [21.3001 Purpose](#)
- [21.3002 Permitted Uses](#)
- [21.3003 Conditional Uses](#)
- [21.3004 Requirements](#)
- [21.3005 Prohibited Uses](#)

21.3001: PURPOSE

[\(back to Chapter contents\)](#)

1. The goal of the business park zoning district is to provide a flexible site for the formation of a coordinated mix of land uses including offices, arts and medical facilities, light manufacturing and limited commercial uses which harmonize and complement each other.
2. Encourage more creative, higher quality urban development.
3. Provide high standards for site planning, architecture and landscape design to meet the needs of the most discriminating establishments.

21.3002: PERMITTED USES

[\(back to Chapter contents\)](#)

1. Offices (Building).
2. Art centers, museums.
3. Theater.
4. Medical and health oriented facilities.
5. Hotel or motel.
6. Convention center, banquet facilities.
7. Research and development facilities.
8. Restaurants.
9. Light manufacturing, such as assembly or related operations.
10. Day Care Facility (Non-residential).
11. Park areas.
12. Schools offering post secondary education. (Ord 13-35; Rev 01-10-13)

21.3003: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Retail establishments.
2. Recreational facilities.
3. Off-Sale Malt Beverage and Wine sales when licensed pursuant to SDCL §35-4-2 (17A). (Ord 08-22; Rev 12-12-08)
4. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)

21.3004: REQUIREMENTS

[\(back to Chapter contents\)](#)

1. **Size**
 - a. No area shall be eligible as a Business Park District unless it contains at least twenty (20) acres.
 - b. Minimum lot size shall be three (3) acres.
 - c. No area shall be eligible as a Business Park District unless there is an adopted Declaration of Restrictions and Covenants recorded with the Register of Deeds.
2. **Setbacks**
 - a. Front yard setbacks: All structures shall be set back a minimum of fifty (50) feet. (Ord 04-04; Rev 03-26-04)
 - b. Side and back yard setbacks: All structures will be set back a minimum of twenty (20) feet. (Ord 04-04; Rev 03-26-04)
3. **Site coverage**
 - a. No more than fifty percent (50%) of the surface area of any site shall be devoted to the erection and/or placement of a building.

4. Parking

- a. All parking areas are to be paved.
- b. Parking requirements conform to usage schedule in city ordinances.

5. Maximum building height

- a. No building permit shall be over five (5) stories or fifty five (55) feet for all structures, roofs and other appendages, including heating, cooling and machinery systems.
- b. A variance will be required for buildings to exceed the maximum height requirement.
- c. If a business park is adjacent to airport property, maximum building height shall conform to Federal Aviation Administration requirements.

6. Loading areas

- a. All loading areas will be paved.
- b. Loading docks/areas will not be approved on a street frontage.

7. Storage and refuse areas

- a. No outside storage will be permitted. A conditional use may be granted if storage is appropriate and is located behind visual barrier screening.
- b. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
- c. Refuse collection areas shall be located on the rear or side of the site and located behind visual barrier screening. (E-712)

21.3005: PROHIBITED USES

[\(back to Chapter contents\)](#)

No art museum (except those sponsored by public entities), art gallery, art publishing house or artists' studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a Business Park District. (01-02)

Chapter 21.32
I-1 LIGHT INDUSTRIAL DISTRICT

Section

[\(back to Title contents\)](#)

- [21.3201 Purpose](#)
- [21.3202 Permitted Uses](#)
- [21.3203 Conditional Uses](#)
- [21.3204 Area and Bulk Requirements](#)

21.3201: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102, Objectives](#), the I-1 Light Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments.
2. To provide and ensure the continuity of locations for industries that can operate on small sites with minimum mutual adverse impact.
3. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
4. To reserve appropriately located areas for industrial and related activities.
5. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
6. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and noxious fumes, radiation and other hazards incidental to certain industrial uses.
7. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships with each other.
8. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
9. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
10. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3202: PERMITTED USES

[\(back to Chapter contents\)](#)

- | | |
|--|---|
| 1. Agricultural (crop production or pasture). | 10. Oil stations/auto cleaning establishments. |
| 2. Motor vehicle sales and/or repair.
(Ord 12-18; Rev 06-15-12) | 11. Public and private utilities uses. |
| 3. Welding shops. (Ord 04-04; Rev 03-26-04) | 12. Truck terminals and freight warehouses. |
| 4. Lumberyards. | 13. Contractor Shops & Storage Yards. |
| 5. Offices. (Ord 04-04; Rev 03-26-04) | 14. Storage Units. |
| 6. Highway/street maintenance shops/yards. | 15. Warehouse. |
| 7. Mail order houses. | 16. Caretakers Residence. |
| 8. Milk/soft drink bottling plant
(with no limit of employees). | 17. Veterinary Clinic (large and/or small animal,
with or without outside runs). |
| 9. Light manufacturing. (Ord 04-04; Rev 03-26-04) | |
| 18. Metal working shop, tinsmith or plumbing shop with no limit of employees. | |
| 19. Radio and television studios, communication transmitting and receiving towers. (Ord 04-04; Rev 03-26-04) | |
| 20. Wholesale distributing companies, all commodities except live animals, explosives and junk. | |
| 21. Farm machinery and/or semi-trailer/semi-truck sales and/or repair. (Ord 12-18; Add 06-15-12) (Ord 18-13; Rev 08-10-18) | |

21.3203: CONDITIONAL USES

[\(back to Chapter contents\)](#)

The Board of Adjustment may permit other uses which in its opinion are not detrimental to other uses and are in the general character of other uses in the I-1 District. These may include all manufacturing and processing uses, but do not include extractive or mining operations. (Ord 04-04; Rev 03-26-04)

1. Restaurants.
2. Motels.
3. Funerary Service. (Ord 08-04; Rev 04-11-08)

4. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
5. Commercial Recreation Facility (Ord 18-13; Add 08-10-18)
6. Day Care Facility (Non-residential) (Ord 18-13; Add 08-10-18)

21.3204: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking."](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.36
I-2 HEAVY INDUSTRIAL DISTRICT

Section

[\(back to Title contents\)](#)

- [21.3601 Purpose](#)
- [21.3602 Permitted Uses](#)
- [21.3603 Conditional Uses](#)
- [21.3604 Area and Bulk Requirements](#)

21.3601: PURPOSE

[\(back to Chapter contents\)](#)

In addition to the objectives prescribed in [Section 21.0102, Objectives](#), the 1-2 Heavy Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To provide locations where industries that desire larger sites and outside storage can operate with minimum restriction and without adverse effect on other uses.
2. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
3. To reserve appropriately located areas for industrial and related activities.
4. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
5. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from the noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and noxious fumes, radiation and other hazards incidental to certain industrial uses.
6. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other.
7. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
8. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
9. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3602: PERMITTED USES

[\(back to Chapter contents\)](#)

Any permitted use in the I-1 District.

21.3603: CONDITIONAL USES

[\(back to Chapter contents\)](#)

1. Acid manufacture.
2. Automobile wrecking, cars and parts, storage and sale.
3. Cement, lime, gypsum or plaster of Paris manufacture.
4. Distillation, manufacture or refining of bones, coal or tar asphalt.
5. Explosives, manufacture or storage.
6. Fat, grease, lard or tallow rendering or refining.
7. Fertilizer manufacture (from organic matter).
8. Glue or size manufacture.
9. Garbage, offal or dead animal reduction or dumping.
10. Junk and salvage (metal, paper, rags, waste or glass) storage, treatment or baling.
11. Paper manufacture.
12. Petroleum or asphalt refining.
13. Petroleum products terminal.
14. Smelting of tin, copper, zinc or iron ores.
15. Storage or processing of rawhides or furs.
16. Stockyards or slaughter of animals.
17. Funerary Service. (Ord 08-04; Rev 04-11-08)
18. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
19. Additionally, in general those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of odor, dust, gas, smoke or noise.

21.3604: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking."](#) (Ord 04-04; Rev 03-26-04)

Chapter 21.38
PUD PLANNED UNIT DEVELOPMENT

Section

[\(back to Title contents\)](#)

- [21.3801 Purpose](#)
- [21.3802 Application and Modification Powers](#)
- [21.3803 Procedure](#)
- [21.3804 Final Application – Rezoning](#)
- [21.3805 Review](#)
- [21.3806 Final Development Plan](#)

21.3801: PURPOSE

[\(back to Chapter contents\)](#)

To permit great flexibility in the use and design of structures and land in situations where modifications of specific provisions of this ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.

21.3802: APPLICATION AND MODIFICATION POWERS

[\(back to Chapter contents\)](#)

The provisions of this section may be applied, upon application of the owner, to any area exceeding five (5) acres in size. The owner shall file with the Plan Commission a proposed site plan, a description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the Plan Commission may reasonably require. In acting upon the application, the City may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. Where the City determines application is consistent with the purpose of the section and with other requirements hereof, it shall enter an order authorizing development and use in accordance with the site plan and description contained in the application, modified as the City may require to carry out the intent and purpose of this section and containing any conditions or restrictions which the City may consider necessary to carry out the purposes of this ordinance and to protect the public health, safety and welfare. The order shall recite the reasons and findings of fact upon which it is based.

21.3803: PROCEDURE

[\(back to Chapter contents\)](#)

The following procedural and informational requirements shall be followed for planned unit development requests:

1. **Plan Commission and Staff Review:** Applicant shall meet with the Plan Commission on an informal basis at its regular meeting to relate his intent. The Plan Commission will evaluate the consistency of his intent with the comprehensive land use plan. Thereafter, the Plan Commission may refer the application to the City staff or consultants to review materials presented and to discuss the plan proposal, suggest alternatives as necessary, and authorize presentation of concept plan and supportive information.(Ord 04-04; Rev 03-26-04)
2. **Concept Plan and Supportive Information:** Applicant shall prepare the following supportive graphic and written information materials as follows:
 - a. Property description and acreage, identification of owner and developer.
 - b. Existing conditions, area relationships, surrounding property ownership, relationship to land use plan, existing land use, transportation, zoning, utilities, etc. (Ord 04-04; Rev 03-26-04)
 - c. Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.
 - d. Concept plan showing land use areas, land use intensities, acreages, number of units, proposed circulation, open space, recreation and development staging.
 - e. Written information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.
3. **Final Development Plan:**
 - a. Applicant shall prepare a final development plan for that part to be rezoned. Required graphic and written information for the final plan is on file at the City Engineer's Office.
 - b. Applicant shall prepare the following supportive graphic and written information materials as follows:
 - (1) Legal descriptions of all parcels to be rezoned.

- (2) Detailed site plan showing all dimensions, structures, parking and streets, utilities, common open spaces and grading.
- (3) Covenants and restrictions, if any, applying to each tract and to open spaces and including the responsibility for the maintenance and operation of common areas and facilities.
- (4) Density and gross building computations.
- (5) Preliminary architectural drawings for each different building type, except single family dwellings, showing building elevations, schematic floor plans, unit relationships, activity areas, building materials, etc.
- (6) Construction and occupancy schedule.
- (7) A description of the nature and character of nonresidential developments including a description of waste emissions, activities conducted on the premises, etc.

21.3804: FINAL APPLICATION – REZONING

[\(back to Chapter contents\)](#)

Applicant shall file a rezoning petition, pay fees and submit all required information for review by the staff and Plan Commission.

21.3805: REVIEW

[\(back to Chapter contents\)](#)

The Plan Commission and staff shall review the final development plan to determine if it conforms with the land use plan and the approved concept plan and shall recommend approval, revision or reapplication, or denial of the final development plan and rezoning before making its recommendation to the City Council. The City Council shall hold public hearings and approve or disapprove rezoning request.

21.3806: FINAL DEVELOPMENT PLAN

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Requested changes in the final development plan, if the approval has been granted, will require a public hearing and the submission of an amended plan document unless the changes are minor enough to authorize by administrative judgment. Building permits for construction in a planned development shall be issued by the Building Official based on the approved final development plan and the zoning.

Chapter 21.50
“AP” AQUIFER PROTECTION OVERLAY DISTRICT

Section	(back to Title contents)
21.5001 Purpose and Intent	
21.5002 Establishment/Delineation/Regulation of Aquifer Protection Overlay Zones	
21.5003 Zone A - Aquifer Critical Impact Zones	
21.5004 Zone B - Aquifer Secondary Impact Zones	
21.5005 Performance Standards for Aquifer Protection Overlay Zones	
21.5006 Grant of Permit, Alteration of Use	
21.5007 Limitation of City Liability	
21.5008 Underlying Zones	
21.5009 Saving Clause	

21.5001: PURPOSE AND INTENT [\(back to Chapter contents\)](#)

The Plan Commission and City Council recognize (1) that residents of the City rely on ground water and Lake Kampeska for a safe drinking water supply and (2) that certain land uses in the City can contaminate Lake Kampeska and ground water, particularly in shallow aquifers.

The purpose of the Aquifer Protection Overlay District is to protect public health and safety by minimizing contamination of the shallow aquifers and surface waters of the City.

It is the intent to accomplish aquifer protection, as much as possible, by public education and securing public cooperation. Appropriate land use regulations will be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other city regulations.

21.5002: ESTABLISHMENT/DELINEATION/REGULATION OF “AP” OVERLAY ZONES

Boundaries for the aquifer protection zones for the Aquifer Protection Overlay District are shown on the Aquifer Protection Overlay District Map as referenced in [Section 21.0503](#). The Aquifer Protection Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Aquifer Protection Overlay District is divided into two zones. The zone of contribution for Zone A was mapped using techniques outlined in the U.S. Environmental Protection Agency publication "Guidelines for Delineation of Wellhead Protection Areas", June, 2000. The shallow/surficial aquifer boundary for Zone B was mapped by the South Dakota Geological Survey.

21.5003: ZONE A - AQUIFER CRITICAL IMPACT ZONES [\(back to Chapter contents\)](#)

Zone A, the wellhead protection area, is the mapped zone of contribution around all public water supply wells or well fields in shallow/surficial aquifers and includes land up gradient from the well or well field to the five (5) year time of travel boundary plus any delineated adjacent lands not underlain by the aquifer with sufficient slope that contaminated surface water could flow directly onto Zone A.

1. The following uses are permitted in Zone A provided they meet appropriate performance standards outlined for aquifer protection overlay zones and are connected to the city’s sanitary sewer system:
 - a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
 - b. Other uses which are listed as a permitted use in the underlying zoning districts which do not handle, use or store potential groundwater contaminants.
2. The following uses are permitted only under the terms of a conditional use and must conform to provisions of the underlying zoning district and meet Performance Standards outlined for Aquifer Protection Overlay Zones.
 - a. Expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants.
 - b. Other uses permitted or permitted by conditional use in the underlying district which pose a potential risk to groundwater resources and are not a prohibited use.

3. The following uses are expressly prohibited in Zone A:
 - a. Waste disposal; which for the purposes of this chapter, includes, but is not limited to the following: human waste, animal waste, contaminated soil other than the type described in Subsection 4 herein.
 - b. Outside unenclosed storage of road salt.
 - c. Disposal or piling of snow containing de-icing chemicals;
 - d. Processing and storage of PCB contaminated oil;
 - e. Junk or salvage yards.
 - f. Disposal of radioactive waste.
 - g. Cemeteries or animal burial sites.
 - h. Detonation sites, except blasting of rock for farming purposes.
 - i. Open burning except ditches, fields and nonhazardous yard and household wastes such as paper, wood and leaves.
 - j. Wastewater lagoons.
 - k. Land spreading of petroleum contaminated soil.
 - l. Land spreading or dumping of waste oil.
 - m. Industrial process water and waste disposal wells-5W20 type Class V injection wells.
 - n. Automobile service station disposal wells-5X28 type Class V injection wells.
 - o. Stockpiling of solid waste.
 - p. Concentrated Animal Feeding Operation and Stockyards
 - q. Septic tanks, privy vaults and drain fields within the city limits.
 - r. All facilities involved in the collection, handling, manufacture, use, storage, transfer of any solid or liquid material or waste, except that a septic tank with drain field or sealed holding tank may be allowed on a residentially used platted or legally described lot of not less than thirty five (35) acres and which has a zoning designation of “Agricultural” pursuant to Codington County Ordinance and when located in the area of joint jurisdiction of the city and county. (Ord 06-12; Rev 10-27-06)

21.5004: ZONE B - AQUIFER SECONDARY IMPACT ZONES

[\(back to Chapter contents\)](#)

Zone B is the remainder of the mapped shallow/surficial aquifer in the City not included in Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water supply, and (4) contaminants from this area could eventually enter Zone A.

1. The following uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city’s sanitary sewer system.
 - a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
 - b. All uses list as a permitted use in the underlying zoning districts, which do not handle or store potential groundwater contaminants with the exception of those prohibited, and those addressed as conditional uses in Section 21.5004(2).
 - c. Residentially developed lots which contain at least thirty five (35) acres in the area of joint platting jurisdiction may install a sealed holding tank or septic tank and drain field with annual pumping of said holding tank and inspection/testing records to be provided as requested from the city and/or county.
 - d. Commercial and industrial developed lots which contain at least ten (10) acres in the area of joint platting jurisdiction may install a sealed holding tank with annual pumping of said holding tank and inspection/testing records provided to be provided as requested from the city and/or county. (Ord 06-12; Rev 10-27-06)
2. The following conditional uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city’s sanitary sewer system.
 - a. Siting of new or expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants to include but not limited to gasoline, benzene, diesel, other

petroleum based products and if they are located north of 6th Avenue North and west of the Big Sioux River.

- b. Disposal of snow containing de-icing chemicals.
 - c. Cemetery.
 - d. Wastewater lagoons.
 - e. Land application of manure, municipal water and wastewater by-products (municipal biosolids, lime sludge, etc.).
 - f. All Permitted and Conditional Uses which handle or store potential groundwater contaminants allowed in underlying districts, with the exception of those prohibited in [Section 21.5005](#), may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.
 - g. Codington County Agriculturally zoned residentially developed lots of record which contain between five (5) and thirty five (35) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - h. Codington County agriculturally zoned residentially developed lots of record which contain less than five (5) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - i. Commercial and industrial developed lots of record which contain between two (2) and ten (10) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - j. Codington County commercial and industrial zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - k. Codington County Lake Park lots of record which contain at least two (2) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - l. Codington County Lake Park zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.
 - m. Any lot(s) in the Codington County Lake Park district over the shallow aquifer platted after the adoption of this ordinance shall be required to construct of a new sealed holding tank or connection to a central sanitary sewage system will be required. (Ord 06-12; Rev 10-27-06)
3. The following uses are expressly prohibited in Zone B:
- a. Outside unenclosed storage of road salt.
 - b. Processing and storage of PCB contaminated oil;
 - c. Junk or salvage yards.
 - d. Disposal of radioactive waste.
 - e. Animal burial sites.
 - f. Detonation sites,
 - g. Open burning except ditches, fields and nonhazardous yard and household wastes, such as paper, wood and leaves.
 - h. Land spreading of petroleum contaminated soil.
 - i. Land spreading or dumping of waste oil.
 - j. Industrial process water and waste disposal wells-5W20 type Class V injection wells.
 - k. Automobile service station disposal wells-5X28 type Class V injection wells.
 - l. Stockpiling of solid waste.
 - m. Concentrated Animal Feeding Operations.
 - n. All other facilities involved in the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste which cannot meet the performance standards in 21.5005.
 - o. Septic tanks, privy vaults and drain fields within the city limits. (Ord 06-12; Rev 10-27-06)

21.5005: PERFORMANCE STANDARDS FOR AQUIFER PROTECTION OVERLAY ZONES

The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. Open liquid waste ponds containing any solid or liquid material or waste will not be permitted without a secondary containment system except for community wastewater lagoons.
2. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must meet South Dakota Department of Environment and Natural Resources standards and may be required to have a secondary containment system where it is deemed necessary by the City Engineer.
3. Any commercial or industrial facility, not addressed by 1 or 2 above, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste, except for spreading of manure, in excess of one thousand (1,000) pounds and/or one hundred (100) gallons which has the potential to contaminate groundwater must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or discharge from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and accessible sumps.
4. Discharge of industrial processed water on site is prohibited without City approval.
5. Commercial auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of all other potentially hazardous waste materials.
6. Any facility involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials must prepare and have on file in the office of City Engineer an acceptable contingency plan for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, other natural catastrophes or equipment failure occur:
 - a. For flood control, all underground facilities shall include a monitoring system and a secondary standpipe above the 100-year frequency flood level. For above ground facilities, an impervious dike, above the 100-year flood level and capable of containing one hundred twenty percent (120%) of the largest storage volume will be provided with an overflow recovery catchment area (sump).
 - b. For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retardant system and provision for dealing safely with both health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are overhead and buried electrical lines, pipes, other buried objects and other hazardous liquids, chemicals or open flames in the immediate vicinity.
 - c. For equipment failures, plans shall include but not be limited to:
 - (1) Below ground level, provision for removal and replacement of leaking parts, a leak detection system with monitoring and an overflow protection system.
 - (2) Above ground level, provisions for monitoring, replacement, repair and cleanup of primary containment systems
 - d. For other natural or man-caused disasters, the owner and/or operator shall report all incidents involving liquid or chemical material which may endanger health and/or safety of disaster personnel and/or the general public.
 - e. The City and DENR shall be informed within twenty four (24) hours of all leaks and spills of materials that might potentially contaminate groundwater.
7. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70.
8. In the event that a septic tank and drain field does not meet SDDENR requirements, said septic tank and drain field shall be abandoned and construction of a new sealed holding tank or connection to a central sanitary sewage system will be required. Further, in all instances where construction of a septic tank or a sealed holding tank is allowed, all SDDENR requirements must be met or else connection to a central sanitary sewer system is required.
9. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70. (Ord 06-12; Rev 10-27-06)

21.5006: GRANT OF PERMIT, ALTERATION OF USE

[\(back to Chapter contents\)](#)

1. Before a permit is granted, the City Engineer must examine an application and determine that the proposed use, activity or development meets the provisions of this ordinance.
2. When securing a use permit, the owner/developer agrees to make future improvements which may become necessary to prevent contamination of shallow/surficial aquifers and the owner/developer must allow city personnel to inspect any improvements to verify they meet the performance standards.
3. Whenever any person has an existing use, activity or development and thereafter desires alteration or expansion of the authorized use, such persons shall apply for a permit. The owner may appeal the City Engineer's decision to modify or deny a requested permit to the City Board of Adjustment.
4. Any lawful use in existence on the effective date of this ordinance shall be permitted to continue provided it can be shown such use does not threaten public health and safety by potential contamination of water in the shallow/surficial aquifer.

21.5007: LIMITATION OF CITY LIABILITY

[\(back to Chapter contents\)](#)

Nothing in this ordinance shall be construed to imply that City, by issuing a permit, has accepted any of an owner's/developer's liability if a permitted development contaminates water in shallow/surficial aquifers.

21.5008: UNDERLYING ZONES

[\(back to Chapter contents\)](#)

Underlying zoning restrictions apply along with restrictions set forth in the Aquifer Protection Overlay District.

21.5009: SAVING CLAUSE

[\(back to Chapter contents\)](#)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

Chapter 21.52
“WE” WIND ENERGY CONVERSION SYSTEMS OVERLAY DISTRICT

Section

[\(back to Title contents\)](#)

[21.5201 Purpose](#)

[21.5202 Establishment/Delineation/Regulation of the Wind Energy Overlay District](#)

[21.5203 Applicability](#)

[21.5204 Uses](#)

[21.5205 Federal and State Requirements](#)

[21.5206 Requirements for Small Wind Energy Conversion Systems \(SWECS\)](#)

[21.5207 SWECS Application Information](#)

[21.5208 Requirements for Large Wind Energy Conversion Systems](#)

21.5201: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this ordinance is to insure that the placement, construction and modification of a renewable energy features such as Wind Energy Conversion System (WECS) facilities is consistent with the City’s land use policies, to minimize the impact of WECS facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the City’s citizens.

21.5202: ESTABLISHMENT/DELINEATION/REGULATION OF THE “WE” OVERLAY DISTRICT

Boundaries for the Wind Energy Overlay District shall include identified areas within the city limits of Watertown, South Dakota which have a zoning designation of I-1 Light Industrial and I-2 Heavy Industrial located a minimum of five hundred (500) feet from any platted or legally described parcel used for residential purposes.

The boundaries of the Wind Energy Overlay District are illustrated on the Wind Energy Overlay District Map as referenced in [Section 21.0503](#). The Wind Energy Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Wind Energy Overlay District may be expanded to include additional industrial or commercially zoned property by recommendation of the Plan Commission and action of the City Council provided such locational factors as described herein are satisfied.

21.5203: APPLICABILITY

[\(back to Chapter contents\)](#)

The provisions of this chapter shall apply to any project on a lot or parcel in the Wind Energy Overlay District as described herein. Where the provisions of Chapter 21.52 conflict with other provisions of this title, the provisions of Chapter 21.52 shall prevail. Standards, uses, and regulations not addressed in Chapter 21.52 shall be regulated as defined elsewhere in this title.

21.5204: USES

[\(back to Chapter contents\)](#)

1. Permitted Uses: Uses permitted in the Wind Energy Overlay District include all permitted uses in the underlying district which each respective parcel is located.
2. Conditional Uses:
 - a. All those uses permitted by conditional use in the underlying district which each respective parcel is located.
 - b. Small Wind Energy Conversion Systems (SWECS) (See Section 21.5206) (Ord 10-12; Add 08-13-10)

21.5205: FEDERAL AND STATE REQUIREMENTS

[\(back to Chapter contents\)](#)

All WECS facilities shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS facilities.

21.5206: REQUIREMENTS FOR SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)

1. **General.** Small Wind energy conversion systems (SWECS) shall be allowed as conditional uses in the Wind Energy Overlay District. In addition to the standards set forth in [Section 21.0202\(2\)\(b\)](#) regarding all conditional use permits, all SWECS shall also meet all requirements of Chapter 21.52 herein.

2. **Location Criteria.** When siting WECS the following conditions shall be met:
 - a. WECS shall be placed a minimum of five hundred (500) feet from any residentially used property.
 - b. WECS placed in Zone A, AE, or AO Special Flood Hazard Areas require approval of the Floodplain Administrator,
 - c. WECS within identified Future Approach Surfaces and Future Transitional Surfaces for the Watertown Regional Airport shall be subject to Federal Aviation Administration Approval.
3. **Required Setbacks/Spacing.** The minimum setback distance between each SWECS and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, public roads and structures intended for human occupation shall be equal to no less than one point one (1.1) times the system height. The turbines shall be spaced no closer together than one thousand (1,000) feet.
4. **Tower Height.** In no event shall the tower height of a SWECS exceed ninety (90) feet as measured from the ground to the rotor hub. Further, there shall be no less than thirty (30) feet between the lowest arc of the rotors of a wind energy conversion system and the ground, any portion of a structure or any tree.
5. **Rotor size/operation.** The maximum size of the rotors of a SWECS shall be reviewed upon application for a conditional use. In determining the appropriate size for the rotors, the City shall consider such factors as noise, proximity to surrounding residences, safety and aesthetic issues. All SWECSs shall be equipped with appropriate braking devices or similar protective devices to slow down or stop the rotors if the wind exceeds the capacity of the system.
6. **Noise.** No SWECS shall produce more than sixty five (65) 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 wind energy conversion system shall be submitted at the time of the submittal of the conditional use, ensuring that this requirement can be met once the system is operational. The owner may be required to submit independent noise studies to verify that the noise standard is met during actual operations. The level, however, may be exceeded during short term events such as utility outages or wind storms.
7. **Tower design.** The tower and turbine shall be a neutral color and shall have a nonreflective finish. In reviewing the conditional use for a SWECS, the City shall consider the design and color of the tower to ensure that no significant adverse impacts are occurring to neighboring property owners, including, but not limited to, infringement into natural and urban view sheds, historic property, major community entryways, parks, schools, churches, playgrounds, or similar public and recreational uses.
8. **Lighting.** A SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Dual mode lighting shall be requested from the FAA. Flashing beacon lighting, unless required by FAA, shall not be utilized.
9. **Signs.** Signs for institutional uses as defined in Chapter 21.80 of these ordinances and signs indicating the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a SWECS may be allowed. All other signs visible from any public road shall be prohibited.
10. **Tower Access.** Appropriate safety measures must be undertaken to discourage unauthorized climbing of a SWECS tower. Appropriate measures shall include either:
 - a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - b. The construction of a six (6) foot tall chain link fence, with approved fencing materials to be approved by the Board of Adjustment, with locking gate around the tower; and/or
 - c. The tower shall be constructed so that the lowest climbing access shall be at least twelve (12) feet above the ground; or
 - d. A locked anti-climb device shall be installed on the tower.
11. **Construction Standards.** Any wind energy conversion system shall be constructed in accordance with all applicable life, safety, electrical, building and fire codes including but not limited to the following:
 - a. An applicant for a building permit for a SWECS shall submit pre-construction plans and specifications and post-construction inspection stamped by a registered engineer.
 - b. **Lightning Protection.** Any SWECS 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.

12. **Warning information.** Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the SWECS shall be posted near the base of the tower in a visible location.
13. **Utility interconnections.** Any interconnection related to the generation and possible resale of electricity between a SWECS and an electric utility company shall be allowed only in accordance with all local, state, and federal regulations including regulations issued by the Public Utilities Commission and the FAA. Additionally, electrical interconnections shall be allowed only in accordance with the applicable standards of the Watertown Municipal Utilities. No SWECS shall be installed until evidence has been given that Watertown Municipal Utilities has approved the interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.
14. **Electromagnetic interference.** No SWECS shall produce electromagnetic interference so as to disrupt transmissions such as those from radio, television or microwave towers. At the time of application for the conditional use, the applicant must submit information from the manufacturer indicating that, once operational, the SWECS will not adversely affect the transmissions. If necessary, generators and alternators shall be filtered, shielded, or both so as to prevent the emission of radio and television signals.
15. **Abandonment/removal.**
 - a. Any wind energy conversion system which has not been used for a period of six (6) months or more shall be declared abandoned. The City may issue a Notice of Abandonment to the owner of a SWECS that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. Upon determination of abandonment of the system, the City shall revoke the conditional use and the system shall be removed at the expense of the property owner. The City shall determine that a wind energy conversion system has not been used if the following criteria apply:
 - (1) The wind energy conversion system has not been operating for a substantial period of time and the owner of the system is unable to provide documentation demonstrating that the system has produced a minimum of twenty five (25) of the power output as stated in the system specifications over the past six (6) months;
 - (2) The wind energy conversion system has fallen into obvious disrepair and/or has been condemned by the City of Watertown.
 - (3) The wind energy conversion system has become violative of some other local, state or federal law and the owner of the system has not taken appropriate actions to remedy the problem.
 - b. If the SWECS is determined to be abandoned, and the owner has not responded to the notice of abandonment as prescribed above, the SWECS shall be removed at the Owner’s sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the City may pursue legal action to have the SWECS removed at the owner’s expense.
 - c. If deemed appropriate, the City may stipulate through the conditional use that the wind energy conversion system shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning district classification in which wind energy conversion systems are not allowed as either a permitted use or conditional use.

21.5207: SWECS APPLICATION INFORMATION

[\(back to Chapter contents\)](#)

1. In addition to the building permit requirements in Sections [21.0205](#) and [21.0206](#), the building permit application shall be accompanied by the following:
 - a. A plot plan which includes the following:
 - (1) Property lines and physical dimensions of the property;
 - (2) Location, dimensions, and types of existing major structures on the applicant’s property and adjacent property;
 - (3) Location of the proposed SWECS;
 - (4) The right-of-way of any public road that is contiguous with the property;
 - (5) Any overhead utility lines.
 - b. SWECS specifications, including manufacturer and model, rotor diameter, tower height, and tower type (monopole, lattice, guyed);

- c. Tower foundation blueprints or drawings;
 - d. Tower blueprint or drawing;
 - e. Manufacturer warranty/maintenance information
 - f. Documentation of consultation with Watertown Municipal Utilities
 - g. Manufacturer warranty/maintenance information. Upon application for a conditional use for a SWECS, the applicant shall submit a manufacturer's statement documenting that the SWECS has been successfully and safely operated in atmospheric conditions that are similar to conditions in Watertown. Further, the applicant shall provide a copy of the manufacturer's warranty indicating that the SWECS is warranted against any SWECS system failures reasonably expected during severe weather conditions. Further, the applicant shall submit SWECS system specifications including maximum power output and a maintenance schedule for the SWECS system; and
 - h. Proof of notification to the utility in the service territory in which the SWECS is to be erected, consistent with the provisions of [Section 21.5206\(13\)](#) herein.
2. Expiration. A conditional use permit issued pursuant to this ordinance shall expire if:
- a. The SWECS is not installed and functioning within twelve (12) months from the date the conditional use permit is issued; or
 - b. The SWECS is determined to be abandoned consistent with the provisions of [Section 21.5206\(15\)](#).

21.5208: REQUIREMENTS FOR LARGE WIND ENERGY CONVERSION SYSTEMS

Large wind energy systems shall be and are prohibited within the city limits of the City of Watertown. (Ord 10-12; Add 08-13-10)

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Chapter 21.54
“GT-1” GATEWAY OVERLAY DISTRICT

Section

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21.5401: PURPOSE AND INTENT

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It is the purpose and intent of the Watertown City Council and Watertown Plan Commission to establish a district with certain design standards for property visible within designated corridors at key entry points to the City.

21.5402: ESTABLISHMENT/DELINEATION/REGULATION

[\(back to Chapter contents\)](#)

1. Boundaries for the GT-1 Gateway Overlay District shall include all property within the City Limits of Watertown, South Dakota located in the south half of Section 33, Township 117 North, Range 52 West and are shown on the GT-1 Gateway Overlay District Map as referenced in [Section 21.0503](#). The GT-1 Gateway Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.
2. The GT-1 Gateway Overlay District may be expanded to include additional urban corridors by recommendation of the Plan Commission and action of the City Council.

21.5403: APPLICABILITY

[\(back to Chapter contents\)](#)

1. The provisions of this chapter shall apply to any project on a lot or parcel in the GT-1 Gateway Overlay District as described herein.
2. Where the provisions of Chapter 21.54 conflict with other provisions of this title, the provisions of Chapter 21.54 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.54 shall be regulated as defined elsewhere in this title.

21.5404: GATEWAY OVERLAY DISTRICT USE REGULATIONS

[\(back to Chapter contents\)](#)

Any activity on, or use of, any land which lies within the GT-1 Gateway Overlay District shall conform to the following regulations and procedures:

1. Permitted Uses in the GT-1 Gateway Overlay District.
The same as underlying zoning district uses may be allowed provided they meet the conditions described herein.
2. Conditional Uses in the GT-1 Gateway Overlay District.
 - a. The same as underlying zoning district uses may be allowed, provided they meet the conditions described herein; and

- b. Outside storage and display
- c. Dwelling units may be permitted in the same structure, with other non-residential uses, provided such residential use is located above the first floor, and all floors shall contain only one use. No dwelling units will be allowed in conjunction with any motor vehicle service station (see service station – motor vehicle in definitions). (Ord 12-02; Rev 01-27-12) (Ord 17-02; Rev 03-31-17)

21.5405: SETBACKS

[\(back to Chapter contents\)](#)

Minimum required front, side and rear yard setbacks shall be as required in the underlying district. **Exception:** The Building Official may allow minimum required front yard setbacks in accordance with the requirements illustrated in the following tables:

Lots Adjacent to 1st Avenue NE/ 29th Street SE	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
Structures	20'

Lots Adjacent to 9th Avenue SE (US Highway 212)	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
Structures	30'

Lots Adjacent to Other Streets	
<i>Percentage of Front Yard Setback Used as Gross Parking Area*</i>	<i>Less than 15%</i>
Structures	25'

* Not including the necessary surfacing of sidewalks and driveways.

21.5406: TRANSPORTATION CORRIDOR ACCESS REGULATIONS

[\(back to Chapter contents\)](#)

- 1. 1st Avenue NE/29th Street SE - Minimum access spacing shall be four hundred (400) feet;
- 2. 9th Avenue SE (US Highway 212) - As approved by the South Dakota Department of Transportation.

21.5407: PARKING AND LOADING

[\(back to Chapter contents\)](#)

- 1. Loading berths shall consist of similar building materials as the exterior wall finish of the structure.
- 2. Loading doors shall be the same color as the exterior wall finish of the structure.
- 3. Loading berths and doors shall face required side or rear yards. Loading berths and doors for buildings on lots with neither side nor rear yards may be permitted to face required front yards where they do not share a face with the main entrance of any building and loading areas are screened or concealed from view from the street.

21.5408: SIDEWALK/RECREATIONAL TRAIL

[\(back to Chapter contents\)](#)

- 1. Adjacent to 1st Avenue NE/29th Street SE sidewalks shall be installed:
 - a. Five (5) feet wide, constructed according to Engineering Design Standards.
 - b. In accordance with the “Typical Section” provided within this chapter or as approved by the City Engineer.
- 2. Where a recreational trail is provided in lieu of a sidewalk for lots or parcels abutting 1st Avenue NE/29th Street SE, the property owner shall be responsible for the removal of snow in the same manner as required in Title 18 for a portion of said recreational trail not less than five (5) feet wide to extend the length of the property.

21.5409: LANDSCAPING

[\(back to Chapter contents\)](#)

1. There shall be a minimum width of eight (8) feet of grass adjacent to 1st Avenue NE/29th Street SE right-of-way. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of eight (8) feet of grass. The grassed area provided on private property may be included in the total landscaped area described in Section 21.5410.
2. The size and species of all trees mandated by this ordinance shall be a minimum of one and one-quarter (1 ¼) inch caliper in size measured one (1) foot above immediate ground level, of a species allowed by the Parks and Forestry Superintendent, and shall be maintained in a growing condition.
3. Perimeter Tree Requirements:
 - a. 1st Avenue NE/29th Street SE

One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property in a manner consistent with the “Typical Section” provided within this chapter. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.
 - b. 9th Avenue SE (US Highway 212)

One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property three (3) feet from the property line. The center of each tree shall be placed no less than four (4) feet from any paved surface. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.
 - c. No tree may be placed in the “clear view triangle.” For the purpose of perimeter tree requirements, “clear view triangle” refers to an area fifty (50) feet from an intersection measured from the curbline corner. For the purpose of perimeter tree requirements total frontage will not include the area of the “clear view triangle,” or the area necessary for paving or driveways.

21.5410: INTERIOR LANDSCAPING REQUIREMENTS

[\(back to Chapter contents\)](#)

1. When unenclosed interior parking spaces are provided on a site consisting of less than seventy five hundred (7,500) square feet of gross parking lot area said parking lot shall include a landscaped area of not less than two percent (2%) of the gross parking lot area. Landscaped areas shall consist of grasses, perennial forbes, deciduous shade trees, shrubs, or a combination thereof. When utilized, every interior tree shall be located in a planting island entirely within the area intended for parking, driving, and maneuvering purposes.
 - a. Said islands shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.
 - b. Trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. **Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above.
 - c. Planting islands shall contain a depth of two (2) feet of top soil suitable for growing plant material
 - d. Planting islands shall utilize raised curbs or wheel stops or other devices approved by the Building Official or Park and Forestry Superintendent as necessary to prevent damage from vehicles.
2. When unenclosed interior parking spaces are provided on a site consisting of greater than seventy five hundred (7,500) square feet of gross parking lot area a landscaped area of not less than five percent (5%) of said parking lot area shall be provided. Landscaped areas shall consist of a combination of grasses, perennial forbes, deciduous shade trees or coniferous trees at a density of one (1) per ten thousand (10,000) square feet of surface area intended for parking, driving, and maneuvering purposes, and shrubs.
 - a. A minimum of fifty percent (50%) of interior trees shall be located in a planting island entirely within the gross parking area.
 - b. Coniferous trees where utilized shall not be placed in a manner to obstruct the view of vehicular traffic utilizing drives and alleys, and maneuvering areas. Coniferous trees will be considered to obstruct said view when constructed within the triangular area formed by the intersection of streets, drives, alleys, and/or maneuvering areas at the center line of each respective street, drive, alley, and/or maneuvering area and a straight line connecting points on said street, drive, alley, and/or maneuvering area line each of which is fifty (50) feet distance from the point of intersection. (See “Clear View Triangle”).
 - c. Islands containing trees shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.

- d. Deciduous shade trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. (**Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above).
 - e. Planting islands containing trees shall contain a depth of two (2) feet of top soil suitable for growing plant material
 - f. Planting islands containing trees shall utilize raised curbs, wheel stops or other devices approved by the Building Official or Park and Forestry Superintendent as necessary to prevent damage from vehicles.
3. The City encourages preservation of existing trees on a site which are in good condition and at least one- and one-quarter-inch (1¼) caliper in size measured one (1) foot above immediate ground level and of a species approved by the Park and Forestry Superintendent. Such trees may be counted as part of the required number of trees on a site.

21.5411: TRANSITIONAL YARDS

[\(back to Chapter contents\)](#)

- 1. Within any GT-1 Gateway Overlay District transitional yards will be required within side and rear yard setbacks on lots or parcels with commercial or industrial uses.
- 2. The width of transitional yards may vary depending on zoning designation of the adjacent lot or parcel and will be regulated in accordance with the following table:

Type of Use	Adjacent District	Minimum Width
Industrial	Industrial	10'
Industrial	Commercial	10'
Industrial	Residential	20'
Commercial	Industrial	10'
Commercial	Commercial	10'
Commercial	Residential	20'

- 3. Transitional yards shall extend the entire length of each respective property boundary.
- 4. Transitional yards shall be landscaped. Areas not planted with shrubs, trees or other appropriate screening devices shall be maintained with not less than seventy five percent (75%) grass.
- 5. Landscaping and trees located in transitional yards may be included in the total landscaped area described in Section 21.5410.
- 6. Approved Post Construction Stormwater Management Facilities may be located in transitional yards to meet all or portions of the Post Construction Stormwater Management requirements.

21.5412: MAINTENANCE

[\(back to Chapter contents\)](#)

Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.5413: LIGHTING

[\(back to Chapter contents\)](#)

Structures and properties shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.

21.5414: BUILDING CONSTRUCTION

[\(back to Chapter contents\)](#)

Exterior elevation/perspectives shall be submitted to the Building Official to depict that all buildings and structures in the GT-1 Gateway Overlay District shall meet the following required building design and construction standards:

- 1. All exterior walls facing any front or side yard shall be finished with the following materials, or a combination of the following materials which are not eligible for variance:

- a. Face brick;
 - b. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block;
 - c. Tile (masonry, stone or clay)
 - d. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture;
 - e. Stucco or similar cement based material;
 - f. Architectural metal panels which cover a wall – i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels;
 - g. Transparent glass/spandrel glass;
 - h. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished;
 - i. Decorative Block; or
 - j. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels is allowed as follows:
 - (1) On any wall facing a rear yard;
 - (2) On any wall facing a front or side yard if used as accent to include not more than twenty (20) percent of said wall; or
 - (3) No variance may be granted to authorize more than twenty (20) percent of any wall facing a front or side yard to utilize metal siding.
2. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50’ or more). All large walls facing Highway 212 and any public street must be relieved by architectural detailing, such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall and its view from the public right-of-ways. A distinct change in color or pattern may be considered a change.
3. Any similar material which meets the purposes for which these regulations are designed and intended, and are approved by the Plan Commission. A request for approval shall include:
- (1) A written description of the manner in which the proposed material promotes the purposes of this chapter of the ordinance;
 - (2) A physical sample of all the proposed materials together with their technical specifications;
 - (3) A color photograph of similar applications of the proposed material;
 - (4) A sketch of the proposed construction showing the location of the proposed material; and
 - (5) A written description explaining why approved materials, described herein, are not being considered.
4. Additions to principal structures which conform to the provisions of this chapter and all accessory buildings or structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building. (Ord 17-48; Add 02-09-18)

21.5415: SIGNS

[\(back to Chapter contents\)](#)

- 1. Freestanding signs shall be finished with the materials, or a combination of the materials listed in Section 21.5414 and shall be regulated in accordance with the following tables:
 - a. Adjacent to 9th Avenue SE (US Highway 212):

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Allowed only with sign permit
Off-Premises Sign	Allowed only with sign permit
MISCELLANEOUS	
Banners	Not Allowed

Portable, temporary	Not Allowed
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b. Adjacent to all other streets:

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Not Allowed
Off-Premises Sign	Not Allowed
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

2. Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
3. Banners and Portable signs may be allowed to advertise “Grand Openings.”

21.5416: OUTSIDE STORAGE, DISPLAY AND SCREENING [\(back to Chapter contents\)](#)

Outside storage, display and screening may be allowed by conditional use subject to the following conditions:

1. Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
2. Outside storage or display shall not be allowed on any required parking spaces.
3. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
4. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty percent (50%) of the trees shall be coniferous.

21.5417: REFUSE [\(back to Chapter contents\)](#)

1. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
2. Refuse collection areas shall be located on the rear or side of the site and shall be screened by means of an opaque fence, plant materials, walls or earth berms.

21.5418: RESERVED [\(back to Chapter contents\)](#)

21.5419: SAVING CLAUSE [\(back to Chapter contents\)](#)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof. (Ord 10-30; Add 10-12-10)

Chapter 21.60
REQUIRED YARDS AND OPEN SPACE

Section	(back to Title contents)
21.6001	Restrictions Governing the Allocation and Disposition of Required Yards and Open Space
21.6002	Continuing Obligation of Property Owner to Maintain Required Yards, Open Spaces, Lot Area and Off-Street Parking Spaces

21.6001: RESTRICTIONS GOVERNING THE ALLOCATION AND DISPOSITION OF REQUIRED YARDS AND OPEN SPACE [\(back to Chapter contents\)](#)

1. All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions whatever except those permitted below.
2. Permitted obstructions in required yards. The following obstructions and no others may be permitted in a required yard:
 - a. Obstructions permitted in all yards: awnings, shutters and canopies; chimneys projecting no more than twenty four (24) inches into a required yard; arbors and trellises; flag poles; steps necessary for access to a building or access to a building or lot from an adjoining street or alley; unroofed, open terraces; fences, walls or hedges, as provided in Chapter 21.61, Outdoor Storage/Off-Street Parking subject to the limitations and requirements of Chapter 21.65, and other customary yard accessories, ornaments, and furniture, subject to height limitations and requirements limiting obstruction of visibility. (Ord 04-04; Rev 03-26-04) (Ord 15-08; Rev 05-29-15)
 - b. Obstructions permitted in front yards: bay windows, unroofed porches or balconies projecting not more than five (5) feet into the required yard; overhanging eaves and gutters projecting not more than three (3) feet into the required yard; off-street parking.
 - c. Obstructions permitted in rear yards: accessory uses, buildings or structures as permitted by Chapter 21.10 of this ordinance; enclosed, attached or detached off-street parking spaces; balconies; breezeways and open, unroofed porches or terraces; bay windows projecting not more than five (5) feet into the yard; overhanging eaves or gutters projecting not more than three (3) feet into the yard.
 - d. Obstructions permitted in side yards: overhanging eaves and gutters projecting not more than three (3) feet into the yard; open off-street parking, except as limited by Chapter 21.63. (Ord 04-04; Rev 03-26-04)
 - e. Commercial/Industrial Use: The Building Official may permit the following obstructions in all yards: awnings, canopies or other unenclosed accessory structures. (Ord 12-01; Rev 01-27-12)

21.6002: CONTINUING OBLIGATION OF PROPERTY OWNER TO MAINTAIN REQUIRED YARDS, OPEN SPACES, LOT AREA AND OFF-STREET PARKING SPACES [\(back to Chapter contents\)](#)

The maintenance of any yard, open space, minimum lot area or off-street parking space required by this ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area or off-street parking area required by this ordinance for any building, structure or use shall by virtue of change of ownership or any other reason be used to satisfy any yard, open space, lot area or off-street parking area required for any other building, structure or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located.

Chapter 21.61
FENCES, WALLS AND HEDGES

Section

21.6101 Fences, Walls and Hedges

[\(back to Title contents\)](#)

21.6101: FENCES, WALLS AND HEDGES

1. A fence or wall may be erected or maintained upon any lot; however the height above ground level may not exceed the following limits:

<u>Use</u>	<u>Height</u>
Residential	7'
Commercial	8'
Industrial	8'
Municipal	10'

except that no fence, wall or hedge located within a front yard shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision of intersecting streets.

2. No person shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained, in the city limits of this City any fences of any character or material, without first securing permission from the Building Official, and no such fence of any kind shall be built closer to the inside sidewalk line than one (1) foot.
3. No barbed wire shall be constructed in any fence within the city limits, except in commercial and industrial districts where barbed wire may be used in connection with a security fence when the barbed wire is at least six (6) feet from the ground.

Chapter 21.62

ALL LOTS AND BUILDINGS TO FRONT ON PUBLIC OR APPROVED PRIVATE STREET

Section

[\(back to Title contents\)](#)

21.6201 All Lots and Buildings to Front on Public or Approved Private Street

21.6201: ALL LOTS AND BUILDINGS TO FRONT ON PUBLIC OR APPROVED PRIVATE STREET

All lots created after the effective date of this ordinance shall front upon a public street or an approved private street, and no building shall hereafter be erected or constructed except upon such a lot.

**Chapter 21.63
OFF-STREET PARKING AND LOADING REQUIREMENTS (ALL DISTRICTS)**

Section	(back to Title contents)
21.6301 Minimum Off-Street Parking Requirements (All Districts)	
21.6302 Off-Street Parking Design and Maintenance	
21.6303 Off-Street Loading Minimum Requirements	

21.6301: MINIMUM OFF-STREET PARKING REQUIREMENTS (ALL DISTRICTS*) [\(back to Chapter contents\)](#)

Use	Number of Spaces
1. Single family dwelling	2/dwelling unit
2. Multiple-family dwelling	1/bedroom (Ord 04-11; Rev 04-11-14)
3. Office	1/250 sq. ft. gross floor area
4. General Industrial	1/350 sq. ft. gross floor area
5. Warehousing	1/1000 sq. ft. gross floor area
6. Community commercial	5/1000 sq. ft. gross floor area
7. Restaurants, lounges, arenas, theaters, assembly halls	1/3 seats
8. Churches	1/3 seats in largest assembly room
9. Highway service commercial	8/1000 sq. ft. gross floor area
10. Gasoline stations	3/bay plus 1/employee on duty
11. Hotels, motels	1/guest room plus 1/employee
12. Automotive car wash	3/wash stall
13. Nursing & board care homes	1/4 beds plus 1/2 employee and 1/staff doctor
14. Bed & Breakfast	1 space per room and 2 spaces for owner

* C-1 District shall be exempt from off-street parking requirements.

21.6302: OFF-STREET PARKING DESIGN AND MAINTENANCE [\(back to Chapter contents\)](#)

1. Minimum parking setbacks from property lines and buildings shall be five (5) feet for commercial or industrial uses.
2. All parking areas shall be surfaced with a durable, all weather surface material, graded to dispose of surface water and regularly cleaned and maintained.
3. Off-street parking shall be on the same site as, or under common ownership with, the structure it is intended to serve.
4. Parking lots shall be in accordance with Engineering Design Standards.
5. Each space shall be designed to allow the exit of the car therein without first moving another car.

21.6303: OFF-STREET LOADING MINIMUM REQUIREMENTS [\(back to Chapter contents\)](#)

1. No open, exterior, loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area) except in I-1 and I-2 zoning districts. (Ord 17-32; Rev 09-29-17)
2. Loading areas, parking bays and access drives shall be surfaced with a durable all weather surface material and shall be so graded to dispose of surface water.
3. All loading facilities shall be screened from the view of any adjacent property in a residential zoning district by plant materials, walls, earth berms or fences. For purposes of this provision, “adjacent” includes any property separated from loading area by public right-of-way. (Ord 17-32; Rev 09-29-17)
4. All movement to access the loading dock must be on private property. (Ord 17-32; Add 09-29-17)

Chapter 21.64
PERFORMANCE STANDARDS

Section

21.6401 Performance Standards

[\(back to Title contents\)](#)

21.6401: PERFORMANCE STANDARDS

Performance standards apply to all districts except I-2 Heavy Industrial Districts. Current federal and state regulations are adopted by reference. Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. These residual features shall be considered as "excessive" when they either exceed or deviate from the limitations set forth in the following performance specifications:

1. **Noise:** shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated from a facility shall not exceed the values given in Table I herein. The sound pressure level shall be measured with a sound level meter and on an associated octave band analyzer, both of which are manufactured according to current specifications prescribed by the American National Standards Institute. Measurement shall be made using the flat network of the sound level meter.

Table I - Noise Levels

Octave Band Frequency (cycles per second)	Maximum Decibel Level
20- 75	65
75- 150	60
150- 300	55
300- 600	46
600-1,200	40
1,200-2,400	34
2,400-4,800	31
4,800-Over	28

2. **Vibration:** No activity or operation shall at any time cause earth vibrations perceptible beyond the limits of the immediate site on which the operation is located.
3. **Dust and Dirt:** Solid or liquid particles shall not be emitted at any point in concentrations or amounts exceeding limitations established in the latest revision of federal and state regulations.
4. **Smoke:** Smoke shall not be emitted from any source with opacity or frequency exceeding limitation in federal or state regulations, the latest revision of which is hereby incorporated by reference. All open burning is prohibited or must be conducted in conformance with applicable federal and state regulations, the latest revision of which is hereby incorporated by reference.
5. **Odor:** No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be detrimental to or endanger the public health, welfare, comfort or safety or cause injury to property or business.
6. **Glare:** whether direct or reflected, such as from spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the limits of the immediate site from which it originates.
7. **Wastes:** All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly contained in a closed container designed for such purpose.
8. **Tests - Owner:** The owner or operator of any permitted use shall be required to show compliance with the performance standards set forth above. In cases where compliance cannot be demonstrated to the satisfaction of the City Council or where reasonable doubt exists, the Council may require the owner or operator to have investigations or tests made by an independent testing organization. Costs of such investigations or tests shall be paid by the owner or operator. In all cases the tests must comply with requirements of federal and state regulations.
9. **Tests - City:** The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

Chapter 21.65
OUTSIDE STORAGE AND DISPLAY REQUIREMENTS FOR SPECIFIC USES

Section

[\(back to Title contents\)](#)

- [21.6501 Outside Storage/Parking – Residential Uses](#)
- [21.6502 Outside Storage/Parking – Residential Uses- Lake](#)
- [21.6503 Outside Storage and Displays – Commercial Uses](#)
- [21.6504 Outside Storage and Displays – Industrial Uses](#)

21.6501: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES

[\(back to Chapter contents\)](#)

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as seasonally allowed herein.
2. **Off-Street Parking:** Off-street parking of vehicles shall include; recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, and ATVs, or items similar in nature are permitted. Off-street parking of buses, commercial vehicles, commercial trailers or commercial semi-tractor trailers is prohibited, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking may be allowed on any surface material or grass; provided the grass is maintained in accordance with [Section 11.0714](#).
3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property. Outside storage is not permitted in the front yard.
 - a. Outside storage/off-street parking for properties with no adjacent alley;
 - (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
 - (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
 - b. Outside storage/off-street parking for properties adjacent to an improved alley;
 - (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
 - (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and/or up to three (3) items may be parked or stored in the rear yard. Under no circumstances shall more than three (3) items of outdoor storage or parked items be allowed on a single property.
4. **Side Yards:** Outdoor storage/off-street parking may be in the side yard next to a garage, provided any item stored does not protrude beyond the front of the adjacent structure. If the side yard is adjacent to an alley, then, any item stored or parked must be setback not less than four (4) feet from the alley. If the property does not have a garage the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.
5. **Rear Yards:** Outdoor storage/off-street parking is permitted in the entire required rear yard however, if the rear yard is adjacent to an alley or other public right-of-way any item stored or parked must be setback not less than four (4) feet from the alley or public right-of-way.
6. **Front Yards:** Outdoor storage of item(s) is prohibited; however, from April 1st through November 1st, off-street parking of vehicles may be allowed on a driveway in front of the garage or on a driveway next to the primary structure when no garage exists. From November 2nd through March 31st, ice shacks, snowmobiles, quad vehicles, their trailers or similar items may be parked on the driveway in front of the garage. On properties with two or more fronts, the primary frontage may not be used for outdoor storage. The secondary frontage may be used for outdoor storage or off-street parking provided the item(s) is not closer than twelve (12) feet from the property line.
7. Off-street parking or outdoor storage shall not encroach a sidewalk, street or other public right-of-way.

8. A twenty five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line is required at street intersections.
9. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the Building Official may order it be removed.
10. Nothing in this section shall be deemed to apply to any property adjacent to Lake Kampeska or property located directly on the opposite side of any roadway adjacent to Lake Kampeska. (Ord 15-08; Rev 05-29-15) (Ord 17-22; Rev 07-14-17)

21.6502: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES - LAKE ([back to Chapter contents](#))

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property adjacent to water. For enforcement of this ordinance, the lake side is the front of the property and the road side is the rear.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the side yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as allowed herein.
2. **Off-Street Parking:** Off-street parking of vehicles shall include recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, ATVs, docks, and boatlifts or items similar in nature are permitted. *Off-street parking of buses, commercial vehicles and trailers or commercial semi-tractor trailers is prohibited*, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking maybe allowed on any surface material or grass; provided the grass is maintained in accordance with Section 11.0714.
3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property.

Allowable Storage/Parking by location (Yard):

1. **Front Yard (lakeside):** Outdoor storage is prohibited. Exception: October 1st through April 30th seasonally stored boatlifts and docks may be stored in the front yard and will not count toward the maximum three (3) items allowed for the property.
2. **Side Yard:** Outdoor storage/off-street parking is allowed next to a garage. If the property does not have a garage, the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.
3. **Rear Yard (roadside):** Outdoor storage/off-street parking is allowed. Items stored must be placed on their private property and not closer than four (4) feet from the public *right-of-way*.
4. **Maximum number of stored/parked vehicles:**
 - a. If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
 - b. If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, or up to (2) two items may be parked or stored in the rear yard.
5. Off-street parking or outdoor storage shall not encroach a sidewalk/recreational trail or street.
6. A twenty-five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line, is required at street intersections.
7. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the Building Official may order it be removed.
8. Due to the uniqueness of lake lots, it will be the Building Official’s responsibility to determine if the storage meets the intent of the ordinance.
9. Non-lakeside parcels located across the public *right-of-way* from lakeside parcels shall be governed by section 21.6501. Exceptions:
 - a. The owner of a vacant parcel may store docks & boatlifts in the rear half of the property.

- b. Written application for *congregated storage* may be submitted; conditions for specific placement and screening may be required at the discretion of the Building Official. (Ord 17-27; Add 08-11-17)

21.6502: OUTSIDE STORAGE AND DISPLAYS – COMMERCIAL USES ([back to Chapter contents](#))

1. **Outside Storage:** Outside storage may be permitted, if acceptable screening is provided and approved by the Building Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

21.6503: OUTSIDE STORAGE AND DISPLAYS – INDUSTRIAL USES ([back to Chapter contents](#))

1. **Outside Storage:** Outside storage is permitted. Screening may be required if adjacent land uses are residential or commercial. Acceptable screening must be approved by the Building Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

Chapter 21.70
HOME OCCUPATIONS AND STANDARDS

Section

- [21.7001 Home Occupations](#)
- [21.7002 Home Occupation Standards](#)
- [21.7003 Activities Not Covered](#)

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21.7001: HOME OCCUPATIONS

[\(back to Chapter contents\)](#)

Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this ordinance. (Ord 04-04; Rev 03-26-04) (Ord 08-23; Rev 11-28-08) (Ord 10-34; Rev 01-13-11)

21.7002: HOME OCCUPATION STANDARDS

[\(back to Chapter contents\)](#)

In addition to meeting the general accessory use standards of [Section 21.1002](#) and all applicable standards or regulations of the zoning district in which it is located, each home occupation shall comply with the following standards:

1. No home occupation may be operated in such a manner as to create offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties, or otherwise constitute a nuisance or safety hazard to adjacent persons or properties.
2. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
3. No more than twenty five percent (25%) of the total floor area of a dwelling unit may be devoted to the home occupation. However, child day care uses may occupy the entire dwelling unit.
4. No internal or external alteration which would change the basic character of the building as a residential dwelling unit shall be permitted.
5. No nonresident employee(s) may be employed on the premises at any time.
6. No public display of goods shall be allowed on the premises except inside the principal building.
7. A permitted home occupation may be operated or maintained as an accessory use only in the principal building and/or attached garage as defined.
8. No exterior advertising other than a small announcement sign, not more than four hundred (400) square inches in area, mounted to the side of the structure shall be allowed. (Ord 04-04; Rev 03-26-04)
9. Any change in location of an existing home occupation shall be required to meet these regulations.

21.7003: ACTIVITIES NOT COVERED

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Business activities in residential dwellings such as telecommuting—or those activities involving no outside sign; little or no increase in traffic; no offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties; no public display of goods associated with the activity; no safety hazard or nuisance; and with only occasional visits by members of the public to the home—shall not constitute home occupations as defined under this Title. (Ord 17-01; Add 03-03-17)

Chapter 21.71
MANUFACTURED AND MOBILE HOME PROVISIONS

Section

[\(back to Title contents\)](#)

[21.7101 Manufactured and Mobile Home Provisions](#)

[21.7102 Manufactured and Mobile Home Installation Standards](#)

21.7101: MANUFACTURED AND MOBILE HOME PROVISIONS

[\(back to Chapter contents\)](#)

For the purpose of this ordinance, manufactured homes and mobile homes will be regulated by type. Four (4) types of homes are defined under these regulations.

1. Type I manufactured home shall:
 - a. Have more than twelve hundred (1,200) square feet of occupied space in a double section or larger multi-section unit.
 - b. Not exceed twenty (20) years of age from the date of its manufacture.
 - c. Be placed on a permanent foundation.
 - d. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in [Section 21.7102](#).
 - e. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A Standards.
 - f. Have a gabled roof with a pitch of at least 3/12 feet.
 - g. Have siding material of a type customarily used on site constructed residences, as approved by the Building Official.
 - h. Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.
2. Type II manufactured home shall:
 - a. Have more than seven hundred (700) square feet of occupied space in a single, double, expando or multi-section unit.
 - b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in [Section 21.7102](#).
 - c. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A Standards.
 - d. Have siding material of a type customarily used on site constructed residences, as approved by the Building Official.
 - e. Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.
 - f. Not exceed twenty (20) years of age from the date of its manufacture.
 - g. Be placed onto a support system, in accordance with approved installation standards, as specified in [Section 21.7102](#).
3. A type III manufactured home shall:
 - a. Have more than seven hundred (700) square feet of occupied space in a single, double, expand or multi-section unit.
 - b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 21.7102.
 - c. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A Standards.
 - d. Not exceed twenty (20) years of age from the date of its manufacture.
 - e. Be placed on a support system, in accordance with approved installation standards, as specified in [Section 21.7102](#).
4. A mobile home shall:
 - a. Have more than three hundred twenty (320) square feet of occupied space.
 - b. Not exceed twenty (20) years of age from the date of its manufacture.
 - c. Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in [Section 21.7102](#).
 - d. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A Standards.

- e. Be placed onto a support system in accordance with approved installation standards, as specified in Section 21.7102.
5. Variance from Maximum Age Requirement
- a. Type I, Type II, Type III manufactured homes and Mobile Homes may receive a variance from the maximum age requirement as listed above.
 - b. The Building Official or his/her designee may grant acceptance based on inspection of the home.
 - c. The Board of Adjustment may grant a variance if the applicant requesting the placement of the manufactured home meets the following requirements:
 - 1. The applicant shall provide photographs of the manufactured home’s exterior and interior.
 - 2. That it shall have been shown to the satisfaction of the Board of Adjustment that the said manufactured home complies with the gas, plumbing, electrical, and construction requirements.
- (Ord 14-25; Add 08-15-14)

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21.7102: MANUFACTURED AND MOBILE HOME INSTALLATION STANDARDS

1. **Building permit required.** No manufactured home or mobile home shall be installed, reinstalled, or altered without first obtaining a permit from the Building Official. A separate permit shall be required for each installation, reinstallation, or alteration. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation, reinstallation or alteration.
2. **Inspections required.** The following inspections shall be required: Footing/foundation inspection, vapor retarder inspection, concrete slab or under floor inspection, anchorage inspection, and building service equipment inspections. Manufacturer’s installation instructions shall be provided to the Building Official and shall set forth permissible points of support and anchorage system attachment.
3. **Permanent Perimeter Enclosure** as Required for Type I, II and III Manufactured Homes. Those manufactured homes designated in this ordinance as requiring permanent perimeter enclosure must have footings and a crawl space or basement walls. The space between the floor joints of the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings) (materials approved by the Building Official).
4. **Foundation Siding/Skirting** for R-4 Districts. All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.
5. **Support System:**
 - a. All HUD-Code manufactured homes of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer’s installation specifications.
 - b. Type II and III manufactured homes and all mobile homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer’s installation specifications or with the support systems regulations in the ANSI/NFPA 501A 1977 installation standards.
 - c. Nonconforming Homes. A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this ordinance, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, the land thereafter must be used in conformity with all provisions of this ordinance.
 - d. Replacement of Nonconforming Homes. Shall only be allowed at the discretion of the Building Official whose decision may be appealed to the board of Adjustment. Thereafter, upon application to the Building Official and subsequent approval thereof, a manufactured or mobile home, deemed a legal nonconforming use, may be replaced by a manufactured home, provided the replacement is of an equal or a higher type. Equal or higher type means that a mobile home may be replaced with a Type I, II or III manufactured home or another mobile home. A Type III manufactured home could be replaced with a Type I, II or III manufactured home; a Type II manufactured home could be replaced with a Type I or II manufactured home; a Type I manufactured home could be replaced with another Type I manufactured home. (Ord 04-16; Rev 12-31-04) (Ord 04-25; Rev 08-15-14)
 - e. Structural Alteration. Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the Building Official. (Ord 04-16; Rev 12-31-04)

6. **Vapor retarder:**

- a. For installations with a constructed crawl space or basement, a 6 mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than six (6) inches shall be placed between the constructed floor and the base course or prepared subgrade.
- b. For installations without a constructed crawl space or basement, a 6 mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than six (6) inches shall be placed on the prepared subgrade or base course and covered with a minimum of three (3) inches of smooth pea rock or other aggregate course approved by the Building Official. (Ord 04-16; Rev 12-31-04)

Chapter 21.72
MICROWAVE ANTENNAS

Section

21.7201 Microwave Antennas

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21.7201: MICROWAVE ANTENNAS

1. The purpose of this section is to assure that a microwave antenna and its supporting structure is so located that it will perform its function while creating a minimal visual impact on the neighborhood in which the antenna is located and provide for safety. In adopting this section, it is not the intent of the City to prohibit the installation of a microwave antenna, but rather to minimize the antenna's visual impact and provide for safety.
2. **“Microwave antenna”** as used in this section means any antenna used for or designed for transmitting or receiving microwave electronic signals from one point to another by way of an earth satellite.
3. **Building Permit Required.** No microwave antenna shall be erected on any parcel of land or upon any building unless a building permit for such antenna has been issued. The charge therefore will be established by resolution of the City Council. (Ord 12-23; Rev 09-14-12)
4. **Board of Adjustment Review Required.** No building permit shall be issued to erect a microwave antenna on any parcel of land or upon any building unless the size, color, placement, positioning, screening and safety features of the antenna shall have been first approved by the Board of Adjustment. The Board of Adjustment may delegate responsibility for review and approval to the Building Official. The purpose of such review shall be to minimize the visual impact of the microwave antenna on the neighborhood in which it is located and to provide for safety. This may be accomplished by screening an antenna from sight, by blending the antenna with its background, or by other appropriate means which do not unreasonably impair the function of the microwave antenna.
5. **Application.** The provisions of this section shall apply to all land use districts. Statements of Intent to Guide Construction of Ambiguous Provisions. Whenever there is doubt or ambiguity concerning the meaning or intent of a provision of this ordinance, such provisions shall be so construed and interpreted as to most closely effectuate the relevant statements of intent set forth in this ordinance. (E-524-1)

Chapter 21.73
LANDSCAPE AND LIGHTING STANDARDS

Section

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- [21.7301 Landscape and Lighting Standards](#)
- [21.7302 Applicability](#)
- [21.7303 Standards for Landscape Materials](#)
- [21.7304 Parking Lot Requirements](#)
- [21.7305 Boulevard/Public Right-Of-Way Landscaping Requirements](#)
- [21.7306 Compliance](#)
- [21.7307 Maintenance](#)
- [21.7308 Landscape Plan](#)
- [21.7309 Enforcement](#)
- [21.7310 Repealed](#)
- [21.7311 Exceptions](#)

21.7301: LANDSCAPE AND LIGHTING STANDARDS

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It is the desire of the City to encourage development that enhances the environmental and aesthetic conditions that contribute to the quality of life found in Watertown. To achieve this, a minimum standard for provision, installation, and maintenance of landscape plantings is prescribed to lessen the adverse effects commonly associated with the urban development.

21.7302: APPLICABILITY

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1. This ordinance shall apply to all public right-of-ways and to all properties within the City without regard to zoning district or land use with the only exceptions specifically noted herein. Exceptions:
 - i. The interior tree requirement shall not apply to I-1 and I-2 zoned property.
 - ii. All property zoned C-1 that is located within the interior of the area bordered by First Avenue North, First Avenue South, Third Street West, and Fourth Street East, except for properties in conformance with this ordinance at the time of adoption, shall be exempted from these requirements.
 - iii. The “Parking Lot Requirements” contained in [Section 21.7304\(1\)](#) shall not apply to the “Specific Use Office Building” conditional use established in [Section 21.1403](#).
2. This ordinance shall further apply to new construction and to nonconforming properties where gravel is being paved, or existing asphalt and concrete paved surfaces are being removed and/or replaced, or existing unapproved (non-grass) landscape materials are being replaced.

21.7303: STANDARDS FOR LANDSCAPE MATERIALS

[\(back to Chapter contents\)](#)

1. Artificial Plantings are not acceptable under this ordinance.
2. Trees: Valuing the benefits from the use of trees in reducing heat and pollution, the following standards regarding trees shall be met and maintained.
 - a. Definitions
 - Tree:** A tree which is required by this ordinance and meets or exceeds the following minimum specifications according to tree type:
 - Deciduous shade tree:** A minimum of one and one-quarter (1¼) inch caliper measured at a point six inches above immediate ground level and normally capable of reaching a mature height of thirty (30) feet.
 - Deciduous ornamental tree:** A minimum of one (1) inch caliper measured at a point six (6) inches above immediate ground level and normally growing to height less than thirty (30) feet at maturity.
 - Evergreen or coniferous tree:** A minimum height of four (4) feet measured above immediate ground level.
 - b. Minimum tree requirement: The minimum number of trees to be located on the development site/lot shall be one (1) tree per fifty (50) feet of frontage. This requirement does not include the minimum standards for interior tree plantings in parking areas exceeding fifty (50) parking spaces.
 - c. Placement according to type and percentage allowed:
 - (1) Deciduous shade tree
 - (a) May be utilized for one hundred percent (100%) of total tree requirement.

- (b) The deciduous tree is the only tree to be utilized for interior trees or optional right-of-way planting.
- (2) Deciduous ornamental and evergreen or coniferous trees
 - (a) May be utilized for up to twenty five percent (25%) of total tree requirement.
 - (b) Shall not be planted in a driveway, intersection nor utilized for parking lot interior trees or right-of-way plantings.
- (3) Interior tree requirements for parking areas exceeding fifty (50) spaces
 - (a) One (1) tree per twenty five (25) interior parking spaces.
 - (b) Trees shall be equally spaced.
 - (c) Trees shall be placed in planting islands within hard surface areas.
 - (d) Planting islands shall be a minimum of five (5) feet wide and contain a minimum of thirty five (35) square feet per tree with raised curbs or wheel stops.
- (4) Existing Trees:

The City encourages preservation of existing trees on site that meet the minimum size requirement and are properly located to satisfy the needs of this ordinance.
- d. Installation Requirements
 - (1) Trees shall be located no closer than three (3) feet to any curb or hard-surfaced area, and all landscape materials required by this section shall be installed in accordance with accepted industry standards.
 - (2) No tree shall be planted within fifty (50) feet of the intersection measured from the curb line corner.
 - (3) Minimum planting sizes of hedges. If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum of eighteen (18) inches above ground height and of a species that is normally capable of reaching a height of four (4) feet within three (3) years. Spacing shall be eighteen (18) to thirty six (36) inches apart, depending upon species, as the hedge must also be capable of providing a substantially full expanse of foliage within this three (3) year period.
- e. Minimum soil requirement. Areas to be seeded to grass shall utilize a minimum thickness of six (6) inches of black dirt.

21.7304: PARKING LOT REQUIREMENTS

[\(back to Chapter contents\)](#)

- 1. Parking lot lighting. In order to minimize the negative impact of parking lot lighting on adjacent properties, the City requires the use of “shoe box” style lighting fixtures adjacent to any residential district.
- 2. Parking lot buffer areas. A grassed setback area of at least five (5) feet shall be provided between the parking surface and property line where the parking lot abuts adjacent residentially used property. **Exception:** Where a screen fence or wall is provided, the required setback may be reduced to three (3) feet.
- 3. Parking lot screening:
 - a. Adequate screening of a parking lot from adjacent residentially used property shall be provided. Where residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial. Screening shall be an opaque fence, wall, berm, or hedge maintained at least four (4) feet in height and in such a manner as not to materially impede vision at intersecting streets, alleys and driveways. (Ord 07-03, Rev 03-20-07)
 - b. Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required setback area. Berms shall have a maximum grade of three (3) feet horizontal to one (1) foot vertical and shall be sodded or planted with grass.
- 4. Screening dumpsters. All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall.
- 5. Exception. The parking lot buffer, parking lot screening and screening dumpster requirements shall not apply to the parking areas of residential dwelling with less than eight (8) units.

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21.7305: BOULEVARD/PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

- 1. The entire public right-of-way, excluding the street, in all zoning districts shall be devoted entirely to grass and approved tree plantings, except for the necessary surfacing of sidewalks and driveways.
- 2. There shall be a minimum width of fifteen (15) feet of grass adjacent to the public street. In the event that there is not fifteen (15) feet of public right-of-way to be utilized for the planting of grass, the difference shall be met by requiring the developer/owner of the property to provide the balance of the required fifteen (15) feet of grass on private property. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of fifteen (15) feet of grass.

3. Nonliving ground cover, including, but not limited to, rock, stone, brick, concrete, blacktop, or other like materials shall not cover more than ten percent (10%) when used as landscape material in the required fifteen (15) foot grassed area adjacent to a public street.

21.7306: COMPLIANCE

[\(back to Chapter contents\)](#)

Properties and rights-of-way in conformance with this ordinance at the date of its adoption shall not be altered in such a manner as to cause noncompliance with this ordinance.

21.7307: MAINTENANCE

[\(back to Chapter contents\)](#)

1. The use of in-ground sprinkler systems is encouraged, and at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering.
2. Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.7308: LANDSCAPE PLAN

[\(back to Chapter contents\)](#)

1. The applicant for a building permit shall submit a landscape plan prepared and approved in accordance with the provisions of this section. A landscape plan is required for approval prior to the issuance of a building permit for all construction except residential dwellings with less than eight (8) units.
2. The landscape plan shall include the following:
 - a. Name and address of developer/owner.
 - b. Site map. One scale drawing of site based upon survey of property lines showing streets, easements, existing and proposed buildings, ingress and egress, and existing and proposed parking.
 - c. Landscape proposal. Two scale drawings of proposed landscaping showing details of sodded and seeded areas, screening, location and identification of trees, and location of landscape islands with identification of trees and plant material used for landscaping required by ordinance.
 - d. Planting Schedule. A table containing common and botanical names, size, root specifications, and planting dates.

21.7309: ENFORCEMENT

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The enforcement of this ordinance shall be the responsibility of the Building Official and the Director of Parks, Recreation and Forestry, or designated representative.

21.7310: REPEALED (Ord 16-20; Repealed 11-11-16)

21.7311: EXCEPTIONS

[\(back to Chapter contents\)](#)

The Board of Adjustment may grant exceptions to the terms of this ordinance and/or decision(s) of the Building Official or the Director of Parks, Recreation and Forestry, or designated representative, after public notice and hearing thereon. Any person(s) of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota. (00-4)

Chapter 21.74
LIMITATIONS ON SPECIFIC USE OFFICE BUILDING

Section

[\(back to Title contents\)](#)

21.7401 Limitations on Specific Use Office Building

21.7401: LIMITATIONS ON SPECIFIC USE OFFICE BUILDING

In addition to all other conditions, restrictions and requirements imposed on uses within the respective zoning district in which a conditional use for Specific Use Office Building is granted, the following limitations, requirements, recommendations and restrictions shall apply to any conditional use granted for a Specific Use Office Building. (Ord 09-10; Rev 07-11-09)

1. **Signage:** A non-illuminated sign affixed to the building is the preferred type of sign for a Specific Use Office Building. A non-illuminated ground or monument sign may also be considered.
2. **Hours of Operation:** Specific Use Office Buildings will normally not be open for business on weekends, and will have weekday business hours normally not exceeding seven o'clock (7:00) a.m. to six o'clock (6:00) p.m.
3. **Landscaping:** Specific Use Office Buildings shall, at a minimum, comply with the existing landscape ordinance. Prior to issuance of any building permit for a Specific Use Office Building, a landscape plan must be submitted and approved. The landscape plan will identify open space areas, plantings and location of natural and unnatural screening.
4. **Lighting:** Specific Use Buildings shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.
5. **Parking:** Specific Use Office Buildings shall comply with the parking requirements in Chapter 21.21. No customer parking shall be provided in the rear of any lot, nor shall access to customer parking be taken from any alley. (Ord 04-04; Rev 03-26-04)
6. **Accessory Structures:** Accessory structures or buildings, while not prohibited, are discouraged. Any permitted accessory structure shall utilize building materials and an architectural design consistent with the Specific Use Office Building.
7. **Exterior design:** Any Specific Use Office Building shall be designed and constructed in a manner consistent with the general characteristics of existing residential and commercial uses that adjoin it.
8. **Site Plan:** At the time of making application for a Specific Use Office Building conditional use, the applicant shall be required to submit a site plan which details:
 - a. Ingress and egress to lot and structure;
 - b. Parking for customers and employees;
 - c. Landscaping
 - d. Screening/Fencing, both natural and unnatural;
 - e. Lighting
 - f. Signage - type and location;
 - g. Proposed exterior design (Ord 02-11; Rev 01-19-03)

Chapter 21.75
BED AND BREAKFAST

Section

21.7501 Bed and Breakfast (B & B)

[\(back to Title contents\)](#)

21.7501: BED AND BREAKFAST (B & B)

Bed and Breakfasts should be located where there will be minimal impact on surrounding residential properties and should comply with the following conditions:

1. B & B's shall be limited to residential structures with an overall minimum of eighteen hundred (1,800) square feet of floor area. Preference will be given to structures with historic or other unique qualities.
2. They shall be in compliance with applicable state laws including registration with the South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
3. Accessory use signs shall be based on similar requirements for a home occupation permit and shall not be more than one (1) square foot in area.
4. Such uses shall be an incidental use within an owner occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
5. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the principal use. Off-site parking may be acceptable if permitted parking facilities are within five hundred (500) feet. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property.
6. The length of stay shall not exceed fourteen (14) days during any one hundred twenty (120) consecutive period.
7. 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.
8. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and a floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with the application.

Chapter 21.76
CAMPGROUNDS

Section

21.7601 Campgrounds

[\(back to Title contents\)](#)

21.7601: CAMPGROUNDS

1. Each campsite shall contain at least two thousand (2,000) square feet.
2. The campgrounds shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.
3. A side yard of fifty (50) feet and a front yard of one hundred (100) feet shall be maintained on the campground; provided, however, that the one hundred (100) foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of two hundred (200) feet or more.
4. The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads, and shall be approved by the City.
5. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.
6. No campground may be occupied by the same person or persons for more than thirty (30) days in one calendar year.
7. No manufactured homes or house trailers shall be located in any campground except that one shall be permitted as an office for the campground.
8. All special permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.
9. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to any city official upon request.

Chapter 21.77
WIRELESS TELECOMMUNICATIONS TOWERS

Section

[\(back to Title contents\)](#)

- [21.7701 Permit Approval](#)
- [21.7702 Purposes](#)
- [21.7703 Reserved](#)
- [21.7704 Development of Towers](#)
- [21.7705 Setbacks](#)
- [21.7706 Structural Requirements](#)
- [21.7707 Separation or Buffer Requirements](#)
- [21.7708 Method of Determining Tower Height](#)
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- [21.7713 Modification of Towers](#)
- [21.7714 Certifications and Inspections](#)
- [21.7715 Maintenance](#)
- [21.7716 Criteria for Site Development Modifications](#)
- [21.7717 Abandonment](#)
- [21.7718 Conflicts \(Repeal of Ordinances\)](#)

21.7701: PERMIT APPROVAL

[\(back to Chapter contents\)](#)

1. The Board of Adjustment or Administrative Official shall approve or deny an application for co-location within ninety (90) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
2. The Board of Adjustment or Administrative Official shall approve or deny an application for a new wireless telecommunications facility within one hundred fifty (150) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
3. The Board of Adjustment or Administrative Official may not deny the application on the basis that a competing provider already provides coverage.

21.7702: PURPOSES

[\(back to Chapter contents\)](#)

The general purpose of this ordinance is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this ordinance are:

1. To regulate the location of towers and telecommunications facilities in the City;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

7. To ensure that towers and telecommunications Facilities are compatible with surrounding land uses.

21.7703: RESERVED

21.7704: DEVELOPMENT OF TOWERS

[\(back to Chapter contents\)](#)

1. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred fifty (150) feet. Towers may be permitted in excess of one hundred fifty (150) feet in accordance with “Criteria for Site Plan Development Modifications.”
2. Each tower construction application must comply with 14 CFR Part 77.9 Construction or alteration requiring notice. For a tower application that requires notice, authorization for construction will not be permitted until approved by the FAA. The applicant for tower construction shall submit their tower for air spacing on the approved FAA website.
3. If a proposed tower application meets the requirements outlined in 14 CFR Part 77.11 Obstruction Standards, the application for construction will not be approved.
4. An Application to develop a tower shall include:
 - a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
 - b. The legal description and address of the parcel of land upon which the tower is situated.
 - c. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including city owned property.
 - d. A description of the design plan proposed by the applicant in the City. Applicant must identify its utilization of the most recent technological design. The applicant must demonstrate the need for towers and why design alternatives cannot be utilized to accomplish the provision of the applicant's telecommunications services.
 - e. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on City owned towers or usable antenna support structures located within a one-half (½) mile radius of the proposed tower site.
 - f. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half (½) mile radius of the proposed tower site. In the event that one reason for the unsuccessful efforts to install or collocate is that fees to be charged are not commercially reasonable, an explanation shall be provided why said charges are commercially unreasonable.
 - g. Written evidence that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within one-half (½) mile radius of the proposed tower site.
 - h. A written statement from an Engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.
 - i. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in, "Structural Requirements," of this ordinance.
 - j. Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the Building Official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - k. The FCC has sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support

structures. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.

1. No application shall be accepted from landowners or on property on which there are current or past unresolved violations outstanding.
6. The Board of Adjustment may require an applicant to supplement any information that the Board considers inadequate or that the applicant has failed to supply. The Board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the City in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

21.7705: SETBACKS

[\(back to Chapter contents\)](#)

1. All towers up to one hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of tower height in excess of one hundred (100) feet.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
3. Setback requirements may be modified when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.
4. Setback requirements contained in Section 21.7707, Separation or Buffer Requirements, may be modified, as provided in, when placement of a tower can be shown through sufficient design criteria to negate the need for the setback requirements contained herein, such that the dangers from a failure are eliminated. This section shall not apply to setbacks required in Section 21.7707(1).

21.7706: STRUCTURAL REQUIREMENTS

[\(back to Chapter contents\)](#)

All towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other standards outlined in this ordinance.

21.7707: SEPARATION OR BUFFER REQUIREMENTS

[\(back to Chapter contents\)](#)

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of City jurisdictional boundaries.

1. Towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.
2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:
 - a. Monopole tower structures shall be separated from all other towers, whether monopole, self supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet.
 - b. Self supporting lattice or guyed tower structures shall be separated from all other self supporting or guyed towers by a minimum of fifteen hundred (1,500) feet.
 - c. Self supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of seven hundred fifty (750) feet.

21.7708: METHOD OF DETERMINING TOWER HEIGHT

[\(back to Chapter contents\)](#)

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty (20) feet over the top of the tower structure itself. Tower height shall be measured from grade.

21.7709: ILLUMINATION

[\(back to Chapter contents\)](#)

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent (300%) of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

21.7710: EXTERIOR FINISH

[\(back to Chapter contents\)](#)

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Administrative Official.

21.7711: LANDSCAPING

[\(back to Chapter contents\)](#)

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The City may require landscaping in excess of the requirements in the City Code in order to enhance compatibility with adjacent land uses. Landscaping may be required to be installed on the outside of any fencing.

[\(back to Chapter contents\)](#)

21.7712: TELECOMMUNICATIONS FACILITIES ON ANTENNA SUPPORT STRUCTURES

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the zoning administrator, establish the following at the time plans are submitted for a building permit:

1. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet;
2. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City.

21.7713: MODIFICATION OF TOWERS

[\(back to Chapter contents\)](#)

1. A tower existing prior to the effective date of this ordinance, which was in compliance with the City's zoning regulations immediately prior to the effective date of this ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this section, except for Sections, "Separation or Buffer Requirements", "Certification and Inspections" and "Maintenance," provided:
 - a. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
 - b. An application for a permit is made to the Administrative Official who shall have the authority to issue the permit without further approval.
 - c. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this ordinance.
2. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than three hundred sixty five (365) days. This ordinance shall not be interpreted to legalize any structure or use existing at the time this ordinance is adopted which structure or use is in violation of the code prior to enactment of this ordinance.

21.7714: CERTIFICATIONS AND INSPECTIONS

[\(back to Chapter contents\)](#)

1. The tower owner may be required by the City to submit certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

2. The City or its agents shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City code and federal and state law.
3. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

21.7715: MAINTENANCE

[\(back to Chapter contents\)](#)

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of all federal, state, and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
4. All towers shall maintain compliance with current RF emission standards of the FCC.
5. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. (Ord 04-04; Rev 03-26-04)

21.7716: CRITERIA FOR SITE PLAN DEVELOPMENT MODIFICATIONS

[\(back to Chapter contents\)](#)

Notwithstanding the tower requirements provided in this ordinance, a modification to the requirements may be approved by the Board of Adjustment as a conditional use in accordance with Chapter 21.02 and the following:

1. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
2. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
3. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an Engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
4. The Administrative Official may require the application to be reviewed by an independent Engineer at the expense of the applicant to determine whether the antenna study supports the basis for the modification requested.

21.7717: ABANDONMENT

[\(back to Chapter contents\)](#)

1. If any tower shall cease to be used for a period of three hundred sixty five (365) consecutive days, the Administrative Official shall notify the Owner by certified mail that the site has been inspected and determined to be abandoned.
2. The Owner shall have thirty (30) days from the receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period.
3. If the Owner fails to show that the tower has been in use or under repair during the period, the Administrative Official shall issue a final determination of abandonment for the site.
4. Upon issuance of the final determination of abandonment, the Owner shall, within seventy five (75) days, dismantle and remove the tower.

21.7718: CONFLICTS (REPEAL OF ORDINANCES)

[\(back to Chapter contents\)](#)

That all ordinances or parts of ordinances in conflict herewith are hereby repealed. (99-2)

Chapter 21.80
SIGNS AND OUTDOOR ADVERTISING

Section

[\(back to Title contents\)](#)

21.8001	Purpose
21.8002	Applicability
21.8003	Reserved
21.8004	Graphic Illustrations
21.8005	Administrative Official
21.8006	Reserved
21.8007	Sign Permits
21.8008	Sign Appeals
21.9009	Reserved
21.8010	Bond and License Required
21.8011	Design and Construction
21.8012	Maintenance of Signs
21.8013	Area and Height Regulations
21.8014	Exempt Signs
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21.8016	Legally Nonconforming Signs
21.8017	Freestanding Signs
21.8018	Projection of Building Signs Permitted
21.8019	Limitations on Use of Temporary Signs
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21.8021	Limitations on Use of Banners
21.8022	Regulation of Electronic Message Centers
21.8023	Regulation of Portable Signs
21.8024	Regulation of Off-Premise Signs
21.8025	Reserved
21.8026	Restrictions on Signs Located in the Public Right-of-Way
21.8027	Table 1 – Signs by Type and Zoning District
21.8028	Table 2 – Number, Dimensions and Location of Individual Signs and Maximum Total Sign Area by Zoning District
21.8029	Table 3 – Number and Dimensions of Certain Signs by Type

21.8001: PURPOSE

[\(back to Chapter contents\)](#)

The purpose of this chapter is to promote the general safety and welfare of the City by facilitating communication between people through establishment of a comprehensive system regulating signs in the City. The objectives of this code are:

1. To regulate signs which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes;
2. To encourage signs that are readable;
3. To control the number, size, location, and condition of signs;
4. To regulate signs to prevent the obstruction of vision or interference with pedestrian or vehicular traffic.
5. To minimize adverse effects of signs on public and private property;
6. To maintain and enhance the overall aesthetics of the community and ensure fair and consistent enforcement of this chapter.

21.8002: APPLICABILITY

[\(back to Chapter contents\)](#)

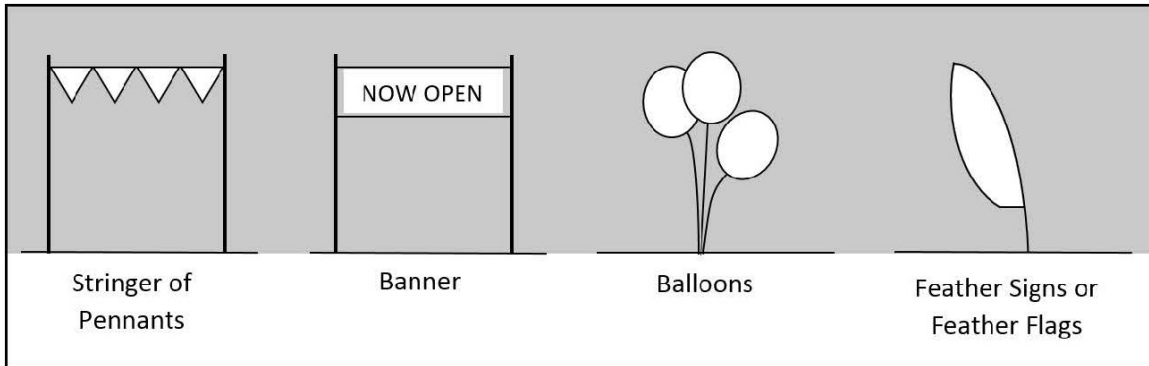
No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations are applicable to all districts.

21.8003: RESERVED

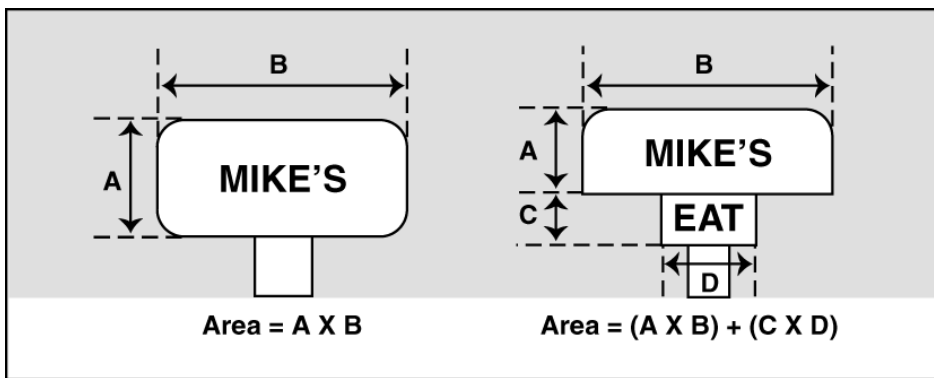
21.8004: GRAPHIC ILLUSTRATIONS

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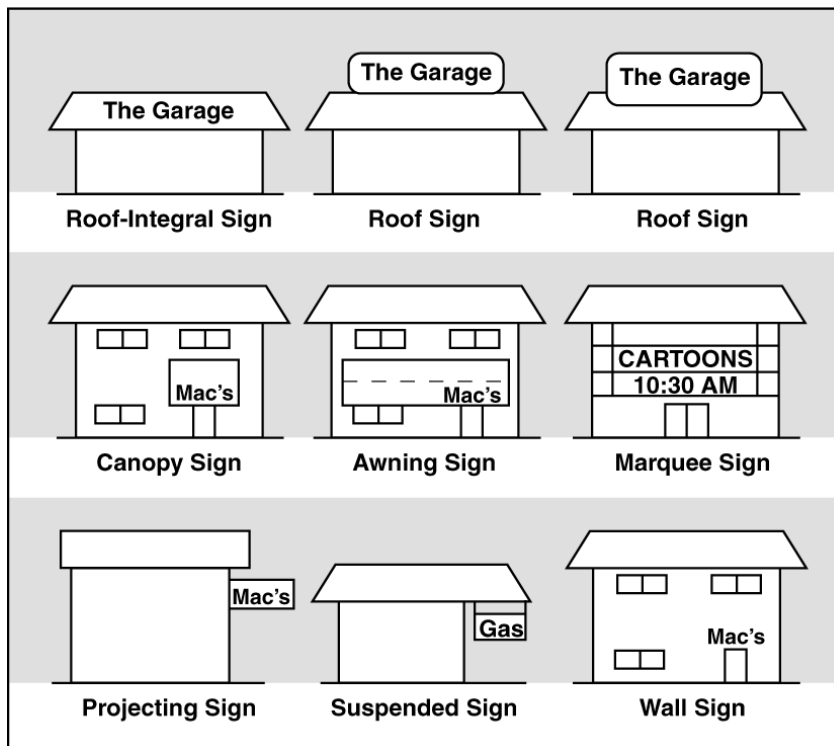
1. Examples of Temporary Signs (not all inclusive)



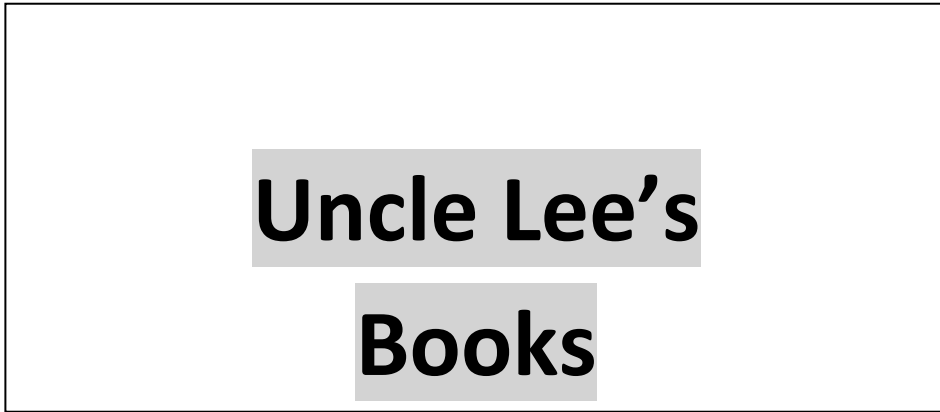
2. Computation of Sign Area



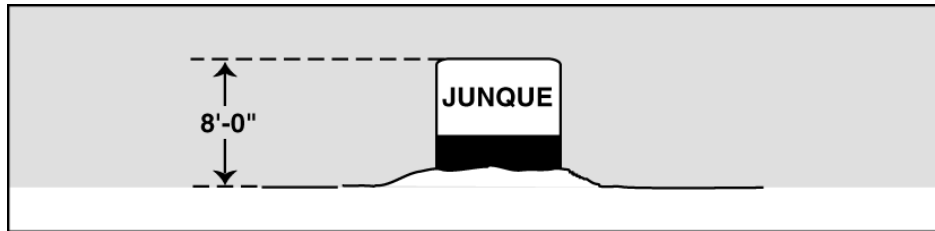
3. Building Identification Signs (not all inclusive)



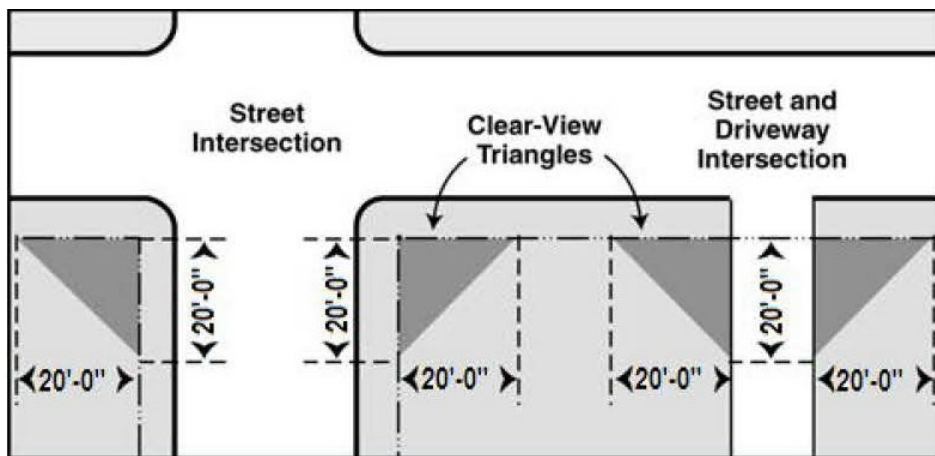
4. **Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs**



5. **Height of Sign with Grade Mounting (See definition of Grade)**



6. **Clear View Triangle Area Intersection of Streets Intersection of Street and Driveway**



21.8005: ADMINISTRATIVE OFFICIAL

[\(back to Chapter contents\)](#)

1. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter.
2. When necessary to make an inspection to enforce the provisions of this code, or when the Administrative Official has reasonable cause to believe a sign or a condition exists which is contrary to, or in violation of this code, the Administrative Official may enter the premises at a reasonable time to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Administrative Official shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Administrative Official shall resort to the remedies provided by law to secure entry.
3. This code shall not be construed to relieve or reduce the responsibility to any person owning, operating or controlling any sign or sign structure liability for any damages to persons or property caused by defects, nor shall the City be deemed to have assumed any liability by reason of any act or omission, including, but not limited to conducting any inspection authorized by this code or any permits issued under this code.

21.8007: SIGN PERMITS

[\(back to Chapter contents\)](#)

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the Administrative Official.
2. Every sign permit issued by the Administrative Official shall expire by limitation and become null and void if construction does not commence within sixty (60) days from date of permit issuance, and shall expire by limitation in one hundred twenty (120) days from the date of permit issuance. For good cause, the Administrative Official may extend the time of permit validity for an additional one hundred twenty (120) days. Any extension granted shall be accompanied by a fee equal to one-half (1/2) of the original permit fee paid to the City.
3. **Number of Signs.** Any permit issued may authorize one or more signs.
4. **Assignment of Sign Permits.** A current and valid permanent sign permit shall be freely assignable to a successor in interest to the property upon which such permanent sign was originally constructed.
5. **Permit Prohibited.** No permit shall be issued to any lot upon which there exists any illegal sign at the time of making permit application; however, a permit may be issued for both the removal of any illegal sign as well as for the erection of a legally conforming sign.
6. **Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body from time to time by resolution.
7. **Sign Permit Process.** The following procedure shall govern the application for, and issuance of, all sign permits under this chapter:

a. Permanent Signs

[\(back to Chapter contents\)](#)

- (1) All applications for the construction, creation, placement or installation of permanent signs or the modification, excluding the changing of the advertising message or copy of an existing permanent sign, must be accompanied by the following to enable permit issuance:
 - (a) Name and address of owner of the property upon which the sign is to be erected; name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;
 - (b) A detailed site plan showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways, size and type of existing signs on the property and other pertinent land and architectural features.
 - (c) An elevation drawing showing the total sign height above the adjacent grade.
 - (d) The total dimensions of the sign facing.
 - (e) The design features of the sign.
 - (f) The type of illumination or other characteristics of the sign (see 21.8027).
 - (g) Completed Sign Permit Application.
- (2) A permitted sign shall be deemed perpetual, and shall not terminate unless:
 - (a) The sign has been abandoned as defined hereunder or;

- (b) The business activity or identified entity which existed at the time the sign permit was issued is discontinued for a period of three hundred sixty-five (365) days or more or;
- (c) The type, size, height, location, or illumination is changed, altered or modified. (Ord 18-15; Rev 11-09-18)

8. Application Review

The Administrative Official shall review all sign permit applications and render a decision on permit issuance as quickly as possible.

9. Removal of Signs

- a. Subject to the following exceptions, upon determining any sign is unlawful, the Administrative Official shall prepare a written notice and order which shall describe the sign and specify the violation involved. The notice and order shall advise that if the sign is not removed or any violation not corrected within thirty (30) calendar days, the sign shall be removed in accordance with the provisions of this chapter with all costs for such removal to be assessed against the real property upon which such unlawful sign exists. Temporary, non-portable signs that are unlawful are no subject to the above process and may be summarily removed and deposited at City Hall by the Administrative Official or his/her designee in order to allow the owner of the sign to reclaim the same. (Ord 17-33; Rev 09-29-17)
- b. Service of the notice and order shall be made upon the owner of the property as well as the owner of the sign by mailing such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their last known address. If no address is known, then a copy of the notice and order shall be sent via certified mailed, to the premises where the unlawful sign exists. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section.
- c. Any person having an interest in the sign or the premises may appeal any determination or decision of the Administrative Official, by filling a written notice of appeal to the Administrative Official within thirty (30) days of receipt of the notice. In order for such notice of appeal to be valid, it shall be accompanied by all information required under this chapter to initiate an appeal with the Sign Code Board of Appeals. Failure to appeal the notice and order within the time provided shall constitute a knowing and voluntary waiver of the right to appeal. (Ord 18-15; Rev 11-09-18)

21.8008: SIGN APPEALS

[\(back to Chapter contents\)](#)

- 1. The Board of Adjustment shall hear and decide appeals and decisions made by the administrative official under this chapter.
- 2. The appellant shall notify, by certified mail, adjacent premises (excluding public and/or private right-of-ways) that an appeal is being made. For the purposes of this section, any property located within one hundred (100) feet of the property line from the location upon which such appeal is being taken shall be deemed adjacent. Such letter shall be provided by the Administrative Official. (Ord 17-33; Rev 09-29-17)

21.9009: RESERVED

21.8010: BOND AND LICENSE REQUIRED

[\(back to Chapter contents\)](#)

- 1. **Bonding Requirement.** No person shall engage in the business of sign or outdoor advertising in this City by erecting or maintaining or leasing to others ground signs, wall signs, marquee signs or projecting signs until such person shall have filed with the Finance Officer a bond in the sum of ten thousand dollars (\$10,000) with sureties to be approved by the City Council, conditioned for the faithful observance of this chapter and to save and keep harmless this City from all damages, liabilities, losses or judgments that may be recovered against this City by reason of the negligent erection or maintenance of any such ground sign, projecting sign or marquee sign.
- 2. **License Required.**
 - a. No person shall engage in the business of sign or outdoor advertising by erecting or maintaining or leasing to others ground signs, wall signs, projecting signs or marquee signs in this City without first having procured a license from the City Council to conduct such business. Application for a license shall be made on forms furnished by the Finance Officer and applicant shall file with the Finance Officer the application together with a certificate of standard form contractors public liability insurance, covering bodily injuries, including death, with limits of not less than two hundred fifty thousand dollars

(\$250,000) for each person and five hundred thousand dollars (\$500,000) for each accident and covering property damage with limit of two hundred fifty thousand dollars (\$250,000) for each accident. Such license shall not be transferable.

- b. **Sign Installer's License:** The license fee for engaging in the commercial billboard or advertising board business by erecting or maintaining ground, wall or other signs on space suitable for billboard display or advertising and the letting of such space to others for a consideration, or the hanging of signs for others, shall be established by resolution of the City Council. Any license issued pursuant to this section shall expire on December 31 of the year of issuance. Signs that meet all of the following criteria do not require the services of a licensed sign installer; (1) a wall sign, (2) that is not self-illuminated, (3) that has a sign area of 32 square feet or less, and (4) that has a flat face. (Ord 12-23; Rev 09-14-12) (Ord 17-33; Rev 09-29-17)
- c. This section with reference to first year license fee shall not be applicable to any person who is regularly engaged in the business of sign installing or sign wiring in this City at the time of the effective date of this chapter.

21.8011: DESIGN AND CONSTRUCTION

[\(back to Chapter contents\)](#)

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

- 1. All signs shall comply with the applicable provisions governing construction within and for the City, including but not limited to the International Building Code, National Electric Code, and South Dakota Administrative Rules (ARSD) 20:44:22. (Ord 17-33; Rev 09-29-17)
- 2. All permanent signs shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- 3. Any sign installed with dimensions exceeding fifty (50) square feet and which requires weldments must be welded by a certified structural welder with minimum welder certification AWS: D1.1 structural steel vertical flat and horizontal up to three-quarters (¾) inch thick mild steel.
- 4. Electrical signs may be illuminated internally or externally as long as the lighting is directed away from the public right-of-way and adjacent residential areas.

21.8012: MAINTENANCE OF SIGNS

[\(back to Chapter contents\)](#)

- 1. **Maintenance Required.** All signs and sign support structures, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of maintenance.
- 2. **Activities Considered Maintenance.** Maintenance shall include activities such as replacing of defective or damaged parts such as lamps, replacing ballast in freestanding signs, or replacing transformers in building identification signs; painting and/or repainting of the pole of freestanding signs or the cabinet of freestanding or building identification signs; replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim, and replacement of sign fasteners, nuts, and washers. A maintained sign structure shall have a sign face. Temporary removal of the sign cabinet for the installation of a new sign face is permitted and will not require that the sign be brought into conformance with this chapter.
- 3. **Items Not Considered Maintenance.** The following items are not considered maintenance and shall require any sign undergoing the following activities to conform with this chapter.
 - a. Maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.
 - b. Maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.
- 4. **Legally Established Nonconforming Permanent Signs.**

- a. Maintenance as defined herein and alterations, including change of the sign face and color, may be performed upon legally established nonconforming permanent signs.
 - b. A legally established nonconforming permanent sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this chapter. A sign shall be brought into conformance with this chapter when it :
 - (1) Is changed structurally as stated in Section 21.8012 above; or
 - (2) Is damaged in excess of fifty percent (50%) of the replacement cost, established by a qualified appraiser; or
 - (3) Is temporarily or permanently removed by any means, including an act of God, excluding the temporary removal for new face. If a sign is damaged by Act of God or other means, in the event of repair, the damaged sign shall be brought into compliance with the provisions of this ordinance. All other signs which remain on the property that was the site of such damage will be allowed to remain until such time as they are required to be replaced.
5. On and off-premise signs shall be removed from the building and property after the business or activity is terminated. However, the existing sign structures may be used to advertise the sale, lease, or rent of the property, provided that all advertising material related to the previous occupant is removed. (Ord 17-33; Rev 09-29-17)

21.8013: AREA AND HEIGHT REGULATIONS

[\(back to Chapter contents\)](#)

Computations. The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - a. The existing grade prior to construction
 - b. The newly established grade after construction

21.8014: EXEMPT SIGNS

[\(back to Chapter contents\)](#)

The following signs are required to conform with this chapter, but are not required to obtain a sign permit.

1. Any public notice or warning required by any federal, state or local law, regulation or ordinance.
2. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
3. Incidental signs. (Ord 17-33; Rev 09-29-17)
4. Changing of advertising copy or message, painting, maintenance and/or repair of an existing lawful sign, provided no structural changes are made. (Ord 17-33; Rev 09-29-17)
5. Building Markers. (Ord 17-33; Rev 09-29-17)
6. Banners as defined herein. (Ord 17-33; Rev 09-29-17)
7. Window signs covering up to seventy five percent (75%) of the area per window;
8. Identifying logos which do not advertise a product or service on municipally owned water storage reservoirs, when directed by the City Council.

9. Balloons with a diameter of less than twenty four (24) inches.
10. Temporary signs unless placed in the boulevard. (See Section 21.8019 (2))
11. Any traditional flag. (Ord 18-15; Rev 11-09-18)

21.8015: PROHIBITED SIGNS

[\(back to Chapter contents\)](#)

The following types of signs are expressly prohibited, except as otherwise provided by this code:

1. Signs with lighting that flashes or blinks; (Ord 17-33; Rev 09-29-17)
2. Any sign or portion of a sign which moves or assumes any motion constituting a nonstationary position, except barber poles and signs attached to or placed upon a motor vehicle;
3. Abandoned signs or unlawful signs;
4. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is actually and actively used in the regular course of a business; (Ord 17-33; Rev 09-29-17)
5. Search lights, streamer, twirling signs, sandwich board signs (except as provided for in Section 21.8014(16), sidewalk or curb signs, balloons exceeding twenty four (24) inches in diameter, and inflated figures shall not be used except when permitted for the opening of a new business, not to exceed fifteen (15) days; (Ord 17-33; Rev 09-29-17)
6. Flags, both feather-type and traditional, that display an advertising message, except one traditional flag bearing a single corporate logo or emblem; (Ord 17-33; Rev 09-29-17)
7. Roof signs; (Ord 17-33; Rev 09-29-17)
8. Signs depicting words or pictures of obscene or pornographic material, or any other matter not in keeping with the contemporary community standards; (Ord 17-33; Rev 09-29-17)
9. Signs that emit sound, odor, or visible matter;
10. Signs which are similar to traffic control signs or signals and which advertise words such as “Stop,” “Go,” “Danger,” “Warning”;
11. Signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;
12. Signs attached to trees, telephone poles, public benches, street lights, street signs or placed on any public property or public right-of-way.
13. Signs, with the exception of signs declared except per Section 21.8014(1) & (4) which are placed within or encroach upon the clear view triangle defined in this chapter; (Ord 17-33; Rev 09-29-17)
 - a. On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points twenty (20) feet from the intersection of such street right-of-way lines extended. See [Section 21.8004 \(6\)](#) for graphic illustration; (Ord 17-33; Rev 09-29-17)
 - b. On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line connecting points twenty (20) feet from the intersection of the street right-of-way line and driveway. See [Section 21.8004 \(6\)](#) for graphic illustration; (Ord 17-33; Rev 09-29-17)
14. Off-premises wall signs, with the exception of historic signs in the C-1 Community Commercial zoning district.
15. Stringer of pennants; (Ord 17-33; Rev 09-29-17)
16. Flags containing a commercial advertising message; (Ord 17-33; Add 09-29-17)
17. Parasitic signs; and (Ord 17-33; Add 09-29-17)
18. Any sign that is located on a lot that at any time fails to meet the minimum lot area and width for its zoning district, as provided in Sections 21.1001 and 21.1003. (Ord 17-33; Add 09-29-17)

21.8016: LEGALLY NONCONFORMING SIGNS

[\(back to Chapter contents\)](#)

Any sign existing upon the date of adoption of this chapter which does not conform to the provisions of this chapter shall be deemed a legal nonconforming sign and may remain except for:

1. Any abandoned sign;
2. Any sign declared unlawful by the Administrative Official; or any sign that does not comply with the provisions of this code or International Building Code (IBC) as well as all acts amendatory thereto. (Ord 04-16; Rev 05-16-14)
3. Any sign in which the type, size, height, or location is changed; (Ord 17-33; Rev 09-29-17)
4. Any sign which has been moved, removed, relocated or damaged by more than fifty percent (50%) of the value of the sign at the time of such damage;

21.8017: FREESTANDING SIGNS

[\(back to Chapter contents\)](#)

1. Lots which are allowed more than one freestanding sign shall space each sign not less than fifty (50) feet apart. Minimum spacing is to be determined by measuring the closest distance between the two outermost points of each individual sign.
2. No freestanding sign shall be located within a clear view triangle.
3. Freestanding signs shall not employ any moving parts.

21.8018: PROJECTION OF BUILDING SIGNS PERMITTED

[\(back to Chapter contents\)](#)

Projecting, awning, canopy, marquee and wall signs may project over public property where the building was constructed at/on the front property line except for State highway rights-of-way.

21.8019: LIMITATIONS ON USE OF TEMPORARY SIGNS

1. Temporary signs, excluding portable signs which are regulated in accordance with Section 21.8023, may be displayed on any lot under the following conditions:
 - a. Temporary signs shall be readily movable and attached to the ground or another permanent structure;
 - b. Temporary signs shall be constructed with a material capable of withstanding impacts, winds or blown snow;
 - c. Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
 - d. Temporary signs shall consist of a flat construction with a maximum of two display sides;
 - e. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
 - f. Additional Locations and Area Regulations are regulated by Table 21.8019.1.f

TABLE 21.8019.1.f LOCATION AND AREA REGULATIONS

		All Zoning Districts
Minimum Distance from Edge of Right-of-Way (Front Yard Setback)		1'
Rear yard		Same as setback for accessory structures in underlying zoning district
Side yard		Same as setback for principal structures in underlying zoning district
Number of Signs on a Lot	(A) Maximum throughout year except as in (B)	One (1) plus one (1) per frontage
	(B) Maximum during the period sixty (60) days before and five (5) days after an election	6
Maximum Height		3'
Maximum Area per sign (a)		6 sq. ft.

- (a) Banners, inflatable signs, and portable signs shall meet the maximum sign area of table 21.8019 1.g
- g. Table 21.8019 1.g describes the types of temporary signs allowed in certain zoning districts.

Table 21.8019.1.g REQUIREMENTS FOR CERTAIN TEMPORARY SIGNS

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
Banner (a)	2	24 SF/banner		2
Flag			8	2
Inflatable (b)	1	100		
Portable (c)	1	32		
All other types of Temporary signs	As in Table 21.8019.1.f			

- (a) Permitted only in accordance with Section 21.8020
 - (b) Permitted only in accordance with Section 21.8021
 - (c) Permitted only in accordance with Section 21.8023
2. Temporary signs, excluding portable signs, banners, and inflatable signs may be displayed on the boulevard adjacent to or abutting any lot under the following conditions:
- a. Temporary signs may be placed in the boulevard in the C-1 Community Commercial District provided:
 - (1) The location of the temporary sign is approved by the Building Official.
 - (2) The sign remains on display to the public only during the hours of business operation
 - (3) The sign shall not exceed ten (10) square feet in area.
 - b. Temporary signs may only be placed in the boulevard in any other district provided:
 - (1) The location of the temporary sign is approved by the Building Official.
 - (2) The Building Official determines the temporary sign may not practicably be placed on the lot.
 - (3) The sign remains on display to the public only during the hours of business operation
 - (4) The sign shall not exceed ten (10) square feet in area.
 - (5) Temporary signs shall be readily movable but mounted in a manner and constructed with metal or poly metal material to be capable of withstanding impacts, winds or blown snow;
 - (6) Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
 - (7) Temporary signs shall consist of a flat construction with a maximum of two display sides;
 - c. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
 - d. Additional Location and Area Regulations are regulated by Table 21.8019.2.d. (Ord 18-15; Add 11-09-18)

TABLE 21.8019.2.d LOCATION AND AREA REGULATIONS

	All Zoning Districts except C-1 (See 21.8019(2)(a))
Maximum Distance from adjacent property line	As determined by Building Official
Number of Signs abutting or adjacent to any lot	1
Maximum Height	3'
Maximum Area per sign	6 sq ft

21.8020: LIMITATIONS ON USE OF INFLATABLE SIGNS

[\(back to Chapter contents\)](#)

Inflatable signs, excluding balloons smaller than twenty four (24) inches in diameter, may be displayed under the following conditions:

1. They do not interfere with utility lines, antennas or towers.
2. No cabling, tie-downs or tether lines are located on or across public property.
3. They are not located in any airport approach zone.
4. Inflatable signs may be displayed on a lot for forty five (45) days per calendar year. A permit may be issued for fifteen (15) consecutive days with not less than thirty (30) calendar days between permit expiration and issuance of a new permit.

21.8021: LIMITATIONS ON USE OF BANNERS

[\(back to Chapter contents\)](#)

1. Banners are allowed in commercial and industrial zoning districts, and only for institutional uses in residential zoning districts;
2. Banners are not permitted to be placed on any property that does not have a principle structure;
3. Banners may not be used for off-premise advertising
4. In the event a property has only one side which abuts a street or public way, one banner will be allowed provided said banner does not exceed twenty four (24) square feet.
5. In the event a property abuts two or more streets or public ways, no more than two (2) banners will be allowed and not more than one (1) banner will be allowed to face any such street or public way provided no banner exceeds twenty four (24) square feet.
6. In the event a property contains more than one building, only one banner will be allowed to face each street or public way.
7. In the event a property does not abut any street or public way, no banner will be allowed.
8. Any banner must be securely fastened to a building or secured to a permanent foundation minimally consisting of a four (4) inch nominal diameter post concreted in the ground to a depth of thirty (30) inches.
9. A banner may contain one greeting message and/or one commercial message. (Ord 08-09; Rev 06-12-08)
10. Shopping mall or strip malls shall be allowed one (1) banner per business.

21.8022: REGULATION OF ELECTRONIC MESSAGE CENTERS

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade scrolling, or traveling. However, sudden movement is prohibited, including but not limited to, blinking and flashing.
2. Where permitted, signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed by various modes, such as fade, dissolve, scrolling, and traveling.
4. All electronic message centers shall come equipped with automatic dimming controls that automatically adjust the signs brightness in direct correlation with ambient light conditions.
5. No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a preset distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (E.g., using a twelve (12) square foot sign: Square root of (12x100) = 34.6 feet measuring distance.) (Ord 17-33; Add 9-29-17)

21.8023: REGULATION OF PORTABLE SIGNS

[\(back to Chapter contents\)](#)

1. A property owner may display one (1) portable sign for a maximum of sixty (60) days per calendar year. Permits shall be issued for a maximum of fifteen (15) consecutive days; upon expiration of any permit period, the sign structure shall be removed from public view, and not less than forty five (45) days shall pass before a new permit may be issued at the same location. (Ord 15-16; Rev 07-10-15)

2. Portable signs are prohibited from being located within the right of way and within ten (10) feet of a curb. (Ord 17-33; Rev 09-29-17)
3. Portable signs shall be secured against overturning.
4. Prior to January 1, 2018, portable signs shall not exceed sixty (60) square feet. After January 1, 2018, portable sign structures shall not exceed thirty two (32) square feet. The transport structure (wheels and frame) is excluded from the allowed thirty two (32) square feet. (Ord 15-16; Add 07-10-15)
5. Portable signs must be set back twenty (20) feet from any abutting property line unless the owner of any such abutting properties consent in writing. (Ord 17-33; Rev 09-29-17)
6. Electric signs shall comply with all applicable sign code regulations, including any regulations of electronic message centers. (Ord 17-33; Rev 09-29-17)
7. Portable signs shall be separated by not less than two hundred (200) feet from any other portable sign. (Ord 17-33; Add 09-29-17)
8. Failure to obtain a portable sign permit before it is installed shall result in a doubling of the permit fee. (Ord 17-33; Add 09-29-17)

21.8024: REGULATION OF OFF-PREMISES SIGNS

[\(back to Chapter contents\)](#)

1. Off-premises ground signs shall have no more than one visible structural support or pole.
2. Off-premises sign support structure shall be of neutral, nonmetallic tone.
3. Off-premises signs shall be limited to two hundred eighty eight (288) square feet in size and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. (Ord 17-33; Rev 09-29-17)
4. Off-premise signs shall be located not nearer than five hundred (500) feet from any other off-premise sign. The distance between off-premise signs shall be measured from the two nearest points of each sign in all directions.
5. Off-premise signs shall have no more than two faces.
6. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another.
7. Off-premises signs shall not be located within any clear view triangle.
8. Off-premise signs shall be separated by not less than fifty (50) feet from any on-premises sign.
9. Off-premise sign permits shall not be issued for any property without the Administrative Official having first been provided written consent of the property owner or their agent.
10. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not emit lighting directly on any adjoining property, nor shall the source of illumination produce a glare clearly visible beyond a property line, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral.
11. No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals.

21.8025: RESERVED

[\(back to Chapter contents\)](#)

21.8026: RESTRICTIONS ON SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY

No sign shall be erected in the public right-of-way except:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
2. Informational signs by a public utility regarding poles, lines, pipes or facilities.
3. Awning, canopy, marquee, projecting and suspended signs in conformity with all other applicable sections of this ordinance.

4. “Area Identification Signs” which are used to identify residential subdivisions or homeowners associations. Such signs shall be limited to a maximum area of one hundred (100) square feet. The Building Official shall refer all such applications to the City Council, which may impose conditions. Any decision by the City Council shall be final. (Ord 12-12; Add 05-11-12).

21.8027: TABLE 1 - SIGNS BY TYPE AND ZONING DISTRICT

[\(back to Chapter contents\)](#)

Permitted Signs shall be allowed on private property in accordance with Table 1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by a "P" shall be allowed only if it conforms to all other applicable requirements of this ordinance.

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Ground (Monument)	P	P	P	P	P	P	P	P	P
Pole	P	P	P	P	P	P	P	P	P
Off-Premises Sign	N	N	P	N	P	N	P	P	N
BUILDING									
Canopy/Awning/Awning - Electric	N	P	P	P	P	P	P	N	P
Building Marker (b)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Identification (d)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marquee	N	N	P	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Suspended	N	N	P	P	P	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P
Window	P	P	Y	Y	Y	P	P	P	N
Off-Premises Sign	N	N	P	N	P	N	P	P	N
MISCELLANEOUS									
Banner (d)	N	N	Y	Y	Y	Y	Y	N	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y	Y
Inflatable (c)	N	N	P	P	P	N	N	N	Y
Pennant	N	N	N	N	N	N	N	N	N
Portable (e)	N	N	P	P	P	P	P	N	Y
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y
CHARACTERISTICS									
Changeable Copy	P	P	P	P	P	P	P	N	P
Electronic Message Center	P	P	P	P	P	P	P	P	P
Illuminated – External (f)	P	P	P	P	P	P	P	P	P
Illuminated-Internal	P	P	P	P	P	P	P	P	P
Indexing	N	N	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	P	N
Non-Illuminated	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reflective	N	N	Y	Y	Y	Y	Y	Y	N

Y=Allowed w/o sign permit

P=Allowed only with sign permit

N=Not allowed

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include, hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) May include only building name, date of construction or historical data on historic site.
- (c) Permitted only in accordance with [Section 21.8011.20](#)
- (d) Permitted only in accordance with [Section 21.8011.21](#)
- (e) Permitted only in accordance with [Section 21.8011.23](#)
- (f) Any surface lighting involving motion shall be prohibited.

(g) Signs shall be illuminated so as not to emit lighting directly on any adjoining property. No sign shall include a source of illumination that produces glare clearly visible beyond a property line.

21.8028: TABLE 2 - NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS AND MAXIMUM TOTAL SIGN AREA BY ZONING DISTRICT [\(back to Chapter contents\)](#)

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Number Permitted per Lot	NA	NA		NA	NA	NA	NA		
Number Permitted Per Feet Of Street Frontage (d)	NA	NA	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 200' of Frontage	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of frontage; over 500' of frontage is allowed one additional sign	1 for each Frontage; over 500' of frontage is allowed one additional sign
Setback From Right-of-Way (Feet) (c)	NA	NA	0	0	0	10	10	10	0
Maximum Area (Sq. Ft)	NA	NA	1 SF for each 2 LF of Frontage Or 75 SF whichever is Less	75	2 SF for each 1 LF of Frontage Or 300 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less
Maximum Height (Feet)	NA	NA	20 *b	16 *b	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (b)(f)	20	20
Minimum Clearance (Feet) (i)	NA	NA	10	6	6	10	10	10	6
BUILDING									
Area (Sq. Ft)	3	3	NA	NA	NA	NA	NA	NA	NA
Wall Area (%) (e)	NA	NA	15	10	20	7.5	7.5	10	7.5
MAXIMUM TOTAL SIGN AREA (g)(h)(j)									
Maximum Total SF - Single Frontage	16	16	400	200	800	800	600	750	200
Maximum Total SF For Lots With 2 Or More Frontage	NA	NA	600	300	1000	1000	NA	1,000	800

Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this table.

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for *f.
- (c) No part of any sign shall protrude into the horizontal or vertical setback line.

- (d) Lots with two or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on one frontage in excess of that allowed for lots with only one street frontage.
 - (e) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.
 - (f) An on-premises sign may have a maximum height of one hundred (100) feet if the sign is located within one thousand (1,000) feet of the center median of Interstate 29.
 - (g) Lots with buildings that function as malls or shopping centers and contain more than five (5) businesses shall be allowed fifty (50) square feet of additional signage for each additional business, over five (5) businesses, located within said building.
 - (h) Window signs shall not count toward MAXIMUM TOTAL SIGN AREA.
 - (i) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.
 - (j) Buildings in excess of 5 stories or 50’ in height may use 5% of identification signage on each wall and not count against maximum total sign area.
1. In the case where two or more buildings reside on a lot with an identical legal description, the buildings will share in an apportioned amount of signage contingent upon the amount of building frontage.
 2. Refer to [Section 21.8024](#) for regulation of off-premise signs.
 3. The existence of a legally nonconforming free-standing sign will not prohibit a sign permit being issued at the same location for a legally conforming wall (building) sign, however, if the square footage allotted to any property or applicant is exceeded for any reason, then the property or applicant is not eligible to make application for variance or conditional use for any additional signage. (Ord 07-17, Rev 06-15-07)
 4. Religious Institutions will be allowed two (2) off-premise, directional, non-illuminated signs, which are not to exceed four (4) square feet and not placed in the right-of-way.

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21.8029: TABLE 3 - NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
BUILDING				
Awning (a)			8	2
Awning, Electric (a)			8	2
Building Marker	1 per building	4		
Canopy (a)			8	2
Identification	1 per building			
Marquee (a)			8	2
Projecting (b)	1 per bldg face	48	10	2
Roof				
Suspended	1 per entrance		8	
Wall (a)				

- (a) Sign area for this sign shall be applied to the maximum allowable wall area from Table 2.
 - (b) One sign shall be permitted for each building face fronting a public street.
- (Ord 08-09; Rev 06-12-08) (Ord 09-07; Rev 06-12-09) (Ord 18-15; Rev 11-09-18)

**Chapter 21.90
DEFINITIONS**

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For the purpose of this title and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Abandoned Sign: a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, products or activity conducted or product available on the premises where such sign is displayed. A blank sign that otherwise shows no reasonable indication of a lack of maintenance is not an abandoned sign. (Ord 17-33; Rev 09-29-17)

Abutting: abutting shall mean adjacent or contiguous and shall include property separated by an alley or other platted easement or access. The term "abutting" implies a closer proximity than the term "adjacent".

Accessory Building: a subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building. A solar heat structure shall be considered an accessory building and all required distances shall be measured with the structure open.

Accessory Use: (See Use - Accessory)

Administrative Official: the Building Official or such other officials as are authorized by the City of Watertown.

Advertising or Commercial Message: any wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Agriculture: the cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry or fur bearing animals.

Alley: an alley is a public right-of-way which affords only a secondary means of access to abutting property.

Anchoring System: an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured or mobile home.

ANSI/NFPA 501A Standard for Installation of (Manufactured) Mobile Homes: model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

Antenna Support Structure: any building or structure other than a tower which can be used for location of telecommunications facilities.

Apartment: see Dwelling – Unit.

Apartment House: see Dwelling - Multi-Family.

Applicant: any person that applies for a permit.

Application: the process by which the Owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a Tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

Approved Engineered Design: a design which bears the insignia of a registered professional engineer or other indicia which demonstrates the sign to be installed has been designed in accordance with the requirements of this ordinance.

Aquifer Protection Overlay District: is the surface and subsurface area surrounding a water well, well field or aquifer, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well, well field, or aquifer.

Area Identification Sign: a sign which identifies a common area containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center and which is located at the entrance or entrances to such area.

Assisted Living Centers: a facility to provide apartment living for persons subject to chronic illnesses or infirmities but who do not need a level of nursing care provided in a licensed nursing home. Assisted living centers need not be licensed by the State of South Dakota, but must provide at least one common hot meal per day for residents in the facility. Such uses shall be located in areas where their impact on adjacent properties would not be detrimental due to their architectural design and/or their traffic flow or parking area.

Auto Wrecking: the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts.

Awning, Electric: an internally illuminated fixed space-frame structure with translucent, flexible reinforced covering with graphics or copy applied to the visible surface.

Banner: a sign constructed of cloth, canvas, fabric, paper, cardboard or any other lightweight material. National flags, state or municipal flags, municipal banners, or the official flag of any institution or business shall not be considered banners. (Ord 15-19; Rev 8-14-15)

Banquet Facilities: see Convention Center

Bar or Tavern: any establishment, including restaurants and gambling establishments, licensed to sell alcoholic beverages for consumption upon the premises where sold or provided. The term bar or tavern shall also include establishments licensed to sell alcoholic beverages for consumption off the premises where sold.

Basement: a basement is any floor level below the first story in a building except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. A basement has more than one-half (½) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes.

Beacon: a stationary or revolving light which flashes or projects illumination, whether single color or multi-colored, in any manner intended to attract or divert attention. However, the term beacon is not intended to include any lighting device required or necessary under the safety regulations described by the Federal Aviation Administration, law enforcement, or similar governmental agencies.

Bed and Breakfasts: a private single family residence (owner/operator occupied) which is used to provide meals and temporary accommodations for a charge to the public and according to South Dakota State Law.

Block: an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

Boathouse: a building to house and protect a boat.

Buffer: the use of land, topography, space, fences or landscape planting to partially screen a use or activity from another property and thus reduce undesirable views or influences.

Buildable Area: that portion of the lot that can be occupied by the principal use, thus excluding the required front, rear and side yards.

Building: any structure having a roof or partial roof supported by columns, posts or walls for the shelter, or enclosure of persons, animals, chattels or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Code(s): those codes regulating construction within the City adopted by the City of Watertown.

Building Face/Wall: all window and wall area of a building in one plane or elevation.

Building Heights: a distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to overall height of the highest gable on a pitched or hip roof for a residential structure and to the mean height for a commercial/industrial structure.

Building Marker: any sign which contains a building's name, or other historic information regarding a building's construction which is cut into a masonry surface or made of bronze or other permanent material and affixed to the structure.

Building Official: an authorized Administrative Official.

Campground: a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units may be located and occupied as temporary living quarters. Campgrounds for tent trailers and recreational vehicles should be sited with consideration for access to the property. The campground should be designed to minimize the impact from adjacent major thoroughfares.

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Canopy/Awning Sign: a noninternally illuminated fixed space-frame structure with canvas, tarp, cloth, translucent, or flexible reinforced covering with or without graphics or copy applied to the visible surface.

Caretakers Residence: a single family dwelling unit, which will be considered an accessory use to the primary business. The individual residing at this residence must own or be employed by the business. No home occupations will be allowed.

Changeable Copy Sign/Reader Board: an outdoor sign or any portion thereof which is permanently affixed or mounted to a support structure or building, which has removable characters, letters or illustrations that may be manually changed or rearranged without altering the underlying sign surface.

Civil/Social Organization: establishments that promote the interests of their members, or, that promote a particular cause (except labor, political, or professional organizations). These establishments may provide grant making foundations or charitable trusts, raise funds for social welfare activities, such as health, educational, scientific, and cultural activities. They may solicit contributions and offer memberships. Establishments in this category may operate bars and restaurants for their members.

Clearance (of a sign): the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear View Triangle: a triangular shaped portion of land established at street intersections and ingress/egress points in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection. See [Section 21.8004\(6\)](#) for graphic illustration.

Clinic: Human medical or health-related office. (Ord 06-31; Add 01-25-07)

Club: shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable for similar purposes, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as business even though it may be chartered and named for purposes herein defining a club.

Comprehensive Land Use Plan (Comp Plan): compilation of policy statements, objectives, standards and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in current state law. (Ord 04-04; Rev 03-26-04)

Conditional Use: a use that would not be appropriate generally or without restriction throughout the zoning district by which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted by the Board of Adjustment when specific provision is made in the ordinance. Conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature.

Condominium: the ownership of single units in a multi-unit residential structure with common elements (with the property subject to the condominium regime established pursuant to SDCL 4315A).

Condo Plat: a plat detailing the location of a structure(s) which is encumbered by a declaration of condominium covenants or condominium form of ownership.

Congregated storage: shall mean the request to allow storage of multiple docks & lifts of similar on a single site.

Construction (project) Sign: a sign located upon property where construction or development is occurring which identifies the persons or entities involved in such project.

Contractor Shops and Storage Yards: use of land or buildings for storage and preparation of materials used by that same individual in conducting business, including but not limited to, construction, repair work, fabrication and assembly, and incidental retail sales. Each unit shall have separate water and sewer utilities.

Convenience Store: any retail establishment offering for sale pre-packaged food products, household items, petroleum and other goods commonly associated with the same, at which a customer typically purchases only a few items during a short visit.

Convention Center: convention centers have both an exhibition hall and number of meeting rooms. Many also have kitchen and banquet facilities. Trade shows, public shows, conventions, food functions, receptions, dances, banquets, assemblies, and other activities are typically hosted in these structures.

Convent and Monastery: a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work in adjacent institutions.

Copy: the message on a sign surface whether in word or illustration in permanent, temporary or removable form.

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Court: an open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Curb Level: the curb level is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this ordinance.

Day Care: the providing of care and supervision of 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 Home: care is provided in a dwelling and the number of children/adults cared for is subject to specific conditions and Standards. The principal use of the property shall be as the primary residential dwelling for the provider, and the day care business use shall be accessory. Conditional Use approval is required prior to commencement of operation.

Day Care Facility (Non-residential): a state licensed non-residential facility, at which no one resides, used for providing child or adult day care, and which is limited by the square footage of useable space available. Facility must comply with current state regulations.

Density: the number of families, individuals, dwelling units, or housing structures per unit of land.

Depth of Lot: the mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard: the mean horizontal distance between the rear line or nearest point of the principal building and the rear lot line.

Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the Plan Commission or its designee. (Ord 06-31; Add 01-25-07)

Directional Sign: any sign whose principal purpose is to designate the location or direction to a place or area.

Display Surface: the area available on a sign surface for displaying a message. However, "display surface" shall not include the structural supports for free standing signs. Display surface is synonymous with the term "face".

District: a section of the City for which the regulations governing the height, area, use of buildings and premises are the same.

Dwelling: any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

1. **Attached (Row):** a multi-family dwelling in which each single family dwelling unit has a separate entrance and is joined by a common wall, extending from the basement floor to the roof, on one or both sides.
2. **Complex:** conforming site consisting of multiple dwelling units within multiple buildings.
3. **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.
4. **Farm:** any dwelling located on a farming operation, which is used or intended for use as a residence by the farm's owner, relative, or a person employed on the premises.
5. **Multi-Family:** a residential building designed for or occupied by three (3) or more families.
6. **Single Family:** see detached.
7. **Townhouse:** one of a group or row of two or more single family dwellings designed and built as a single structure in which each unit has its own entrance.
8. **Two Family (Duplex):** a building containing two (2) dwelling units only.

9. **Twin Home:** a two (2) family dwelling unit, having a common wall and is platted into two separate lots.

Dwelling Unit (d.u.): residential accommodation including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family.

Eave: the part of the roof that meets or overhangs the walls of a building. (Ord 17-12; Rev 05-12-17)

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Electric Sign: a fixed or portable, self-contained electrically illuminated appliance with words or symbols designed to convey information or attract attention.

Electronic Message Center: a sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display messages, advertising, or animation any of which can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

1. Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
3. Frame: A complete, static display screen on an electronic message display.
4. Frame effect: A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Scroll: A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
6. Transition: A visual effect used on an electronic message display to change from one message to another.
7. Travel: A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface. (Ord 17-33; Rev 09-29-17)

Engineer: any engineer licensed by the State of South Dakota.

Erect(ed): to build, alter, construct, reconstruct, attach, hang, place, suspend, enlarge, move, or affix, and shall also be deemed to include the painting of wall signs, but does not include copy changes on any sign.

Exempt Sign: any sign for which a permit is not required under the provisions of this chapter.

Expando Unit: an expandable manufactured housing unit.

Family: one or more persons related by blood, marriage or adoption, including foster children, or a group of not more than three persons, unless in the R3 district in which event a group of not more than four (4) persons is allowed, some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common dwelling unit.. Sororities, fraternities or other similar group dwellings are not included in this definition. (E-535-1) (Ord 14-11; Rev 04-11-14)

Feed Lot: a feedlot is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of forty five (45) days or more during any twelve (12) month period, and where crops, vegetation, forage growth or post harvest residues are not sustained over any portion of the lot or facility. (Ord 04-04; Rev 03-26-04)

Flag: any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign: a sign where light is not maintained stationary or constant in intensity and color when in use.

Foundation Siding / Skirting: a type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

Freestanding Sign: a sign attached to, or a part of, a self-supporting structure. Any supporting structure shall be set firmly below the ground surface and shall not be attached to any building or any other structure.

Frontage: that portion of the front property line or lines of any premise, parallel to and along each street right-of-way it borders.

Funerary Service: any business providing any service associated with the handling, preparation or disposition of human remains after death. Such businesses must provide verification that equipment meets emissions requirements set forth by the Environmental Protection Agency and South Dakota Department of Environment and Natural Resources to the Building Official and/or fire marshal upon inspection. (Ord 08-04; Rev 04-11-08)

Funerary Service (Non-Human): any business providing any service associated with the handling, preparation or disposition of non-human remains after death. (Ord 08-04; Rev 04-11-08)

Garage/Yard Sale Sign: a temporary sign indicating a private sale of personal property.

Government Sign: any sign which directs traffic, displays street names, or which serves any public purpose duly authorized by governing body having jurisdiction thereof.

Governmental Entity: an organized entity which, in addition to having governmental character, has sufficient discretion in the management of its own affairs to distinguish it as separate from the administrative structure of any other governmental unit. This definition shall be deemed to include, but is not limited to The City of Watertown, Codington County, the State of South Dakota, Watertown School District and the U.S. Government.

Grade: is established by the average natural grade or slope within fifty (50) feet of the sign location or as established by the City Engineer.

Gross Area of Sign: the area surrounding the periphery of all letters or graphics bounded by straight lines connecting the outermost points thereof.

Gross Parking Lot Area: that portion of a site or contiguous sites, regardless of ownership, consisting of connected areas intended for use by vehicles including parking stalls, drives and alleys, and maneuvering areas.

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Ground Sign: a sign which is anchored to the ground and has no air space between grade and the bottom of the frame or sign facing.

Group Home: a supervised living or counseling arrangement in a family home context providing for the twenty four (24) hour care of children or adults.

Height of Sign: the vertical distance from the top of the sign or sign structure, whichever is greater, to the ground in a straight line directly below, measured from a point equidistant from the sides or edges of the sign.

Home Occupation: any occupation which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use other than a non-illuminated sign not exceeding four hundred (400) square inches in area. This occupation shall be carried on or conducted only by members of a family residing in the dwelling. (Ord 04-04; Rev 03-26-04)

Horticultural Services: commercial services which are oriented to support the science or practical application of the cultivation of fruits, vegetables, flowers, and plants.

Identification Sign: a sign affixed to a building whose message includes only the address and occupant's name.

Illuminated Sign: any sign which when originally constructed, included characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

Incidental Sign: Signs that are intended primarily for the information, convenience, and safety of the public depicting directives such as "no parking", "entrance", and "loading only". (Ord 17-33; Add 09-29-17)

Indexing Sign: a sign which includes turning and stopping action of vertical sections on a multi-face sign capable of showing more than one (1) message in the same area.

Inflatable Sign: a sign capable of expanding due to the injection of air, gas, water or vapor.

Inn: see Motel/Hotel.

Institution Uses Public/Private: include such uses as hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.

Instructional Sign: a sign which provides specific instruction to the public, including , but not limited to, "Center," "Exit," "No Parking," "Drive Through," "Rest Room,". No instructional sign shall be permitted to include any commercial message.

International Building Code (IBC) Standards: that edition of the International Building Code, promulgated, approved and adopted by the City of Watertown.

Junkyard: land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles not accessory to any business or industrial use on the same lot.

Kennel: any place where three (3) or more dogs or cats over four (4) months of age are owned, boarded, raised, bred or offered for sale.

Large Wind Energy Conversion System (LWECS): All WECS facilities excluding Small Wind Energy Conversion Systems.

Lawful Nonconforming Sign: a sign or sign structure existing at the time of enactment of this chapter which does not comply this code, but which was lawfully constructed prior to adoption of this chapter.

Legal nonconforming building: a building which does not comply with all of the regulations of this ordinance or any amendment hereto governing area and bulk for the zoning district in which such building is located, but which was constructed with a lawfully issued building permit. This definition shall not be deemed to include structures for which no building permit was issued or obtained.

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 Dock (Berth): that area specifically used for the transfer or materials or goods, which may be elevated, recessed, sunken or at grade level.

Loading Space: a space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

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Lot: one unit of a recorded plat subdivision, or registered land survey having specific boundaries and which has been recorded in the Register of Deeds office, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

1. **Corner:** a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lots to the foremost points of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior:** a lot other than a corner lot with only one frontage on a street.
3. **Through:** a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Area: the lot area is the land area within the lot lines.

Lot Coverage: that portion of a lot covered with structures and hard surfaces such as parking, loading and storage.

Lot Line: a line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

1. **Front:** the lot line separating a lot from a street right-of-way, except at Lake Kampeska and Lake Pelican where the front lot line is the ordinary high water mark as established by the state.
2. **Rear:** that boundary of a lot line which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
3. **Side:** any lot line not the front or rear. A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.
4. **Zero:** the location of a building on a lot in such a manner that the side of a building rests on a lot line.

Lot – Width: the width of a lot is its own mean width measured at right angles to its mean depth.

Lot(s) 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 County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the County Register of Deeds prior to the effective date of the ordinance.

Maintain: to allow any sign to exist or remain, or to repair or refurbish a sign to prevent decay or deterioration.

Manufactured Home: a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Marque: any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Message: a communication through written words, symbols, signals, or pictures.

Mining: The excavation of earth materials for the purpose of sale.

Mobile Home: a transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

Mobile Home Park: any site or tract of land upon which three (3) or more occupied mobile homes are located regardless of the charge or absence of charge for accommodations.

Modular Construction: completely fabricated and (partly) assembled units or elements delivered to be erected on a site to form a whole or part of a structure.

Modular Homes: a modular home shall meet the following regulations:

1. Modular homes shall meet or exceed ICC Codes.
 2. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
- [\(back to Title contents\)](#)
3. Modular homes shall have more than one thousand (1,000) square feet in ranch style an eight hundred fifty (850) square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
 4. Modular homes shall have a minimum of a 3/12 roof pitch.
 5. Have vinyl or wood lap siding material of a type customarily used on site-constructed residences.
 6. Have roofing material of a type customarily used on site-constructed residences.

Monument Sign: see Ground Sign.

Mortuaries: a place for the storage of human bodies prior to their burial or cremation. Such use shall be designed and located so that the architectural appearance and traffic generated by the use will not have a detrimental effect on adjacent property values.

Motel/Hotel: a building or group of buildings used primarily for the temporary residence of motorists or travelers.

Motion Sign: any sign which revolves, rotates, or moves in any way by mechanical means.

Nameplate Sign: any sign which includes the name and address of the occupant of the lot or building where the sign is placed and may include a directory listing the name, of occupants.

Neighborhood Retail Establishment: generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.

Nonconforming Use: any building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

Non-illuminated Sign: a sign other than an illuminated sign or reflective sign which is visible primarily by means of a natural light source.

Non-residential: property used for anything other than housing/dwelling/habitation. A building that is not lived in, where no one resides.

Nursing Home: an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occupied Space: the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

Office (Building): a room, set of rooms, or building where the business of a professional, commercial, industrial, financial, religious, institutional, public or semi-public persons or organizations, broadcast stations and studios, is conducted. (Ord 06-31; Add 01-25-07)

Off-premises Sign: any sign identifying or advertising a business, person, activity, goods, products or services at a location other than where such sign has been erected.

On-premises Sign: any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign has been erected with the exception of nonprofit activities. (Ord 17-33; Rev 09-29-17)

Outdoor Menu Board: an outdoor sign, associated with restaurants with drive-through windows, which provides patrons a detailed list of items available at a restaurant.

Outdoor Storage: the keeping, in an unroofed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty four (24) hours. Shall not include items indicated in the definition of junkyard.

Outline Lighting: an arrangement of incandescent lamps or electric-discharge lighting to outline or draw attention to certain features such as the shape of a building or the decoration of a window.

Overlay District: a set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying primary zone. Development within the overlay district must conform to the requirements of both underlying primary zone and the overlay district or the more restrictive of the two.

Owner: any person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest in a property or premises or who, by virtue of an existing legal relationship, have direct control over a property or premises.

Parasitic Sign: A non-exempt sign without a permit that is:

1. Attached to a permitted sign or
2. Affixed to a permanent supporting structure which is in addition to signs specifically designed for said supporting structure, or
3. Attached to a bollard, canopy support, or other rigid structure with a primary purpose other than the support of signage. (Ord 17-33; Add 09-29-17)

Parapet or Parapet Wall: that portion of a building wall that rises above the roof level.

Parcel: one or more tracts of land, which at the time of filing for a building permit, is designed by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

Parking Lot: an area, usually divided into individual spaces, intended for temporary parking of motor vehicles. The area may or may not be on the same lot as a primary structure.

Parking Space: a space for parking of automobiles which complies with the Engineering Design Standards.

Pedestrian Signs: a sign directed to pedestrians.

Pennant: any lightweight plastic, fabric, or other material, whether or not containing a message, suspended from a rope, wire, or string, usually in series.

Permanent Foundation: any structural system for transporting loads from a structure to the earth at a depth below the established frostline without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

Permanent Sign: a sign permanently attached to framing, or a sign with a support member at or below the frost line or attached to a building or other structure by direct attachment to a rigid wall, frame or structure.

Permitted Use: any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Persons: any individual, partnership, corporation, company, association or body politic including trustees, receivers, assignees or other representatives.

Petroleum Sales: establishments that provide for the retail sales of petroleum products.

Planned Unit Development (PUD): A procedure for planning a tract of land as a unit under single of unified ownership or control.

Pole sign: a freestanding sign wholly supported by one or more poles.

Political Signs: are signs that indicate or promote a political candidate, political issue, or political message.

Portable Sign: any sign not permanently attached to the ground or other permanent structure designed to be transported from structure to structure or site to site at periodic intervals. Portable signs include signs attached to or painted on vehicles, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are temporary signs.

Premises: a tract of land regarded as the smallest conveyable unit of real estate.

Principal Building: the building within which principal use of the parcel is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.

Private Garage: an attached or detached accessory building used for the storage of vehicles or equipment owned or operated by the residents of dwellings located on the lot on which it is located. A private garage shall not be used as a base for commercial activity unless otherwise permitted within these ordinances. (Ord 08-11; Rev 07-11-08)

Projecting Sign: any sign that is affixed at an angle or perpendicular to a wall of any building in such a manner as to be read either perpendicular or at an angle to the wall on which it is mounted.

Projection: is the distance by which a sign extends over public property or beyond the building line.

Public Event: any event authorized or acknowledged by the City of Watertown.

Public or Quasi-public Institutions or Services: facilities operated by a governmental entity that provide a public purpose or service including, but not limited to, a police station, court, fire station, training facilities, ambulance service, transit or transportation transfer station, library, community center, public recreation facility, or office.

Real Estate Sign: a sign placed upon property while the property is available for sale, lease, or rent. (Ord 17-33; Rev 09-29-17)

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, fourteen (14) years of age and older. . (Ord 18-13; Rev 08-10-18)

Recreational Use: a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, including active and sedentary activities.

Recreational Vehicle: a motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for temporary recreational or emergency occupancy.

Reflecting Sign: any sign which returns light waves from its surface back toward the original light source.

Religious Institution: any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to: church, temple, synagogue and mosque.

Residential Sign: any sign located in a residential zoning district that contains no commercial message except advertising goods or services offered on the premises where the sign is located.

Restaurant: establishments providing food services to patrons where food and/or drink is ordered and consumed on premises, taken out, or delivered to customer's location.

Retail Establishment: establishment 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, convenience stores, petroleum sales, repair shops, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services.

Roof Line: the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign: a sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall constitute any message placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Sanitary Landfills: method of waste disposal involving the dumping and daily covering of waste materials all in compliance with state regulations.

Screening: earth forms, walls, fences, plant material or other structures or devices intended to partially obscure, conceal or protect from off site view.

Section: a unit of a manufactured home at least ten (10) body feet in width and thirty (30) feet in length.

Service Establishments: establishments offering a wide range of personal services (laundry, hair care, etc.).

Service Station – Motor Vehicle: any building or premise which may provide for the retail sale of petroleum, oil, tires, batteries and accessories for motor vehicles and for certain services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, testing and adjusting of automotive parts. Spray paint operations or body repair is not permitted.

Setback: the required distance, as prescribed by ordinance, which must exist between any building, structure, or sign and a lot line.

Shopping Center: two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing parking areas, whether such stores or establishments occupy separate structures or are under separate ownership. Retail buildings of greater than one hundred thousand (100,000) square feet and designed for more than one tenant.

Sidewall Articulation: variation in the outward appearance of the wall forming the side of a structure. (Ord 17-12; Add 05-12-17)

Sign: any device which directs attention to business, commodity, service or entertainment but excluding any flag, badge or insignia of any government agency, or any civic, charitable, religious, patriotic or similar organizations.

Sign Area: the total area or areas of all signs within the outer edges of the sign or advertising message.

Sign Structure: any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

Site Area Per Dwelling Unit: the site area per dwelling unit is the land area required by this ordinance to be provided for each dwelling unit in a building.

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Small Wind Energy Conversion System (SWECS): a WECS facility with a single tower height of less than ninety (90) feet used primarily for on-site consumption of power. See graphic below:



Social Assistance Establishments: establishments providing social assistance services directly to individuals including, but not limited to: volunteer centers, senior citizen’s centers, youth centers, etc.

Specific Use Office Building for the Area West of Highway 81, North of 12th Avenue North, and South of 14th Avenue North: a building designed with a single public entrance, exclusively housing one or more of the following practices: Architects and Engineers; Attorneys; Arbitrators; Mediators; Court-Appointed Advocates;

Morticians/Funeral Directors; Physicians, Chiropractors, Optometrists, and Dentists; Public Accountants and Financial Planners; Bankers; Real Estate Brokers; Public Relations; Advertising Sales; Stock Brokers and Bonding Agents; Appraisers; Counselors; Insurance Agents; Insurance Adjusters and Investment Counselors; and Psychiatrists, Psychologists and therapists. See 21.7401 limitations. (Ord 02-11; Rev 01-19-03) (Ord 07-03; Rev 03-20-07) (Ord 09-10; Rev 07-11-09) (Ord 14-36; Rev 01-10-15)

Stand - Roadside: a structure for the display and sale of products with no space for customers within the structure itself.

Stealth: any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

Storage Units: a building(s) for the storage of commercial or private goods and materials in individual units within a common structure, without water or sewer utilities.

Story: 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 or unused under floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under floor space shall be considered as a story.

Story – First: the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or more than eight (8) feet below grade at any point.

Street: a public way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

1. **Arterial:** a principle 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.
2. **Collector:** a street intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.
3. **Frontage:** a minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.
4. **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 not intended to be used for through traffic.
5. **Marginal Access:** a street used only for access to a very limited number of lots.
6. **Private:** one that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.

Strip Mall: retail buildings of less than one hundred thousand (100,000) square feet and designed for more than one tenant.

Structure: anything constructed or erected with a fixed location on the ground or attached to or resting on something having a fixed location on or below the ground. Moreover the following shall always be considered structures: buildings, manufactured homes, walls, fences, swimming pools, signs and billboards, ponds and lagoons.

Structurally Altered (signs): any change in the support mechanism of a sign, including but not limited to, supports, braces, guys, and anchors.

Structure – Alterations: any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Subdivision: the division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Support System: a pad or a combination of footings, piers, caps, plates and shims, which, when properly installed, support the manufactured or mobile home.

Suspended Sign: a sign suspended from the underside of a horizontal plane surface and is supported by such surface.

System Height: the height above grade of the tallest point of the WECS, including the rotor radius.

Telecommunications Facilities: any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. Telecommunications facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Sign: any sign used for varying periods of time which is not permanently attached to the ground or other permanent structure and is readily removable and transportable. (Ord 17-33; Rev 09-29-17)

Theater: an establishment that is used for the showing of motion pictures, plays, dance or musical dramas.

Tower: a self-supporting lattice, guyed, or monopole structure constructed from grade which supports tele communications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Tower Height: the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Tract (of Land): a platted lot or a legally described portion of land.

Transitional Yard: area of vegetation that may be required within the required yard of lots or parcels where zoning uses (commercial, industrial, residential) abut one another. Every required transitional yard shall consist of a combination of grasses, shade trees, evergreen trees, shrubs, and appropriate screening devices such as walls, fences or berms. Areas not planted with shrubs trees or other appropriate screening devices shall be maintained with grass.

Treatment Facility (Center): a facility that provides one or more persons with twenty four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home.

Truck/Bus Terminal: an area and building where buses, trucks and cargo are stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

Turbine: the parts of the WECS including the blades, generator and tail.

Unlawful Sign: a sign or sign structure which is unlawfully erected or is unlawful for reasons of inadequate maintenance, or abandonment.

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Use: the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

1. **Accessory:** a subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use. This definition does not include Vertical Axis Wind Turbines.
2. **Principal (Primary):** main use of land or building as distinguished from a subordinate or accessory use.

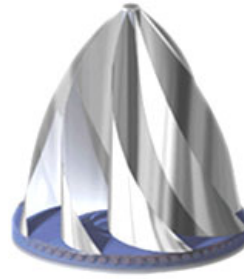
Usable Open Space: land area and facilities specifically designated and developed for recreational or social activities of individuals or groups excluding required setback areas, in addition to those areas and facilities designated and developed for the private use of residents of individual dwelling units.

Utility: any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipal utility.

Variance: a modification or relief from the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be permitted.

Vertical axis wind turbine (VAWT): have the main rotor shaft arranged vertically and shall be used only for the purpose of generating power for the property on which the vertical axis wind turbine is located, or for the purpose of transmitting power to the electrical grid of an electric utility company through an approved interconnection.

VAWT's are either mounted on a tower, close to the ground, or directly on building roofs. See following graphics:



Veterinary Clinic: a commercial activity catering to the medical needs of animals.

Waiver-of-Right-to-Protest (WORTP): is a document that allows a landowner to defer installation of required infrastructure improvements in exchange for waiving their statutory right to protest such installation when required in the future.

Wall: any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign: a sign placed flat against a structure, fence or wall. Signs painted onto a wall, fence, or structure are wall signs.

Warehouse: these service establishments operate storage facilities for general merchandise, refrigerated goods and other warehouse products.

Wholesale Merchandising: wholesalers either sell or arrange the purchase of goods to other businesses and normally operate from a warehouse or office.

Wind Energy Conversion System or WECS: is an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnections, battery banks and the like in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills or wind turbines.

Window Sign: any sign, picture, symbol, or combination thereof, designed to communicate information about a business activity, business, commodity event, sale or service, placed inside a window or upon the window.

Yard: the area within a lot, which consists of all the open and unoccupied space, unobstructed from the ground to the sky.

1. **Front:** a yard, unoccupied, extending across the full width of the lot, from the front line of the primary structure to the front lot line.
2. **Rear:** a yard, unoccupied except for accessory buildings, extending across the full width of the lot, from the rear line of the primary structure to the rear lot line.
3. **Side:** a yard, unoccupied except for accessory buildings, between the primary structure and the side lot and located between the primary structure's front and rear building lines.
4. **Required (Setback):** that unoccupied portion of a side, front or rear yard nearest the designated lot line and being the minimum width or depth required in the district in which it is located, unless otherwise specified in this ordinance.

Zoning District: a section of the City for which regulations governing the use of land, the construction and use of buildings and the occupancy of premises are hereby made.
(Ord 17-02; Rev 03-31-17)

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**Chapter 21.97
INTERPRETATION, ABROGATION AND SEVERABILITY**

21.9701: INTERPRETATION, ABROGATION AND SEVERABILITY [\(back to Title contents\)](#)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**Chapter 21.98
CROSS-REFERENCES**

21.9801: CROSS-REFERENCE [\(back to Title contents\)](#)

Building Inspector, Bond	7.0903
Business Buildings Must Be Rat-Proof and Rat-Free	11.0502
Electrical Regulations	Title 9
Plumbing	Title 15
Gas Regulations	Title 20
Utilities.....	Title 20
Subdivision of Land	Title 24

**Chapter 21.99
PUNISHMENT**

21.9901: PUNISHMENT [\(back to Title contents\)](#)

Any person violating, omitting, disobeying, neglecting, or refusing to comply with any of the provisions of this title or any person who erects, alters, repairs or maintains any use, building or structure in violation of any requirement of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard or requirement established in connection with any building permit, variance or special use permit or other permit shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200). Each day or portion thereof during which a violation of this title is committed, maintained or continued shall constitute a separate offense. The owner or tenant of any building, structure, premise or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, or assists in or maintains a violation of this title may each be found guilty of a separate offense and punished as provided herein. (E-299-2), (E-679)

In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (Ord 16-20; Rev 11-11-16)