

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-24, Zoning Text Amendments to Summary of District Regulations, Associated Zoning Districts, Overlay Districts, Modular Homes Provisions, Manufactured Home Provisions, Day Care, Homes, and Definitions of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The ordinance is a compilation of the residential height and placement chart, new uses being defined and added to various zoning districts, a new process for in-home day cares, and clarification on manufactured homes and differentiating modular homes.

- The residential height and placement chart modifications in Chapter 21.10 breaks down zoning designations by dwelling types. Staff has reviewed the chart against other communities and what is proposed is in line as far as density for various zoning districts. The chart is modified to break zoning districts down by use or dwelling types to simplify administration of the provisions depending on the proposed use to protect neighborhoods and provide guidance for higher density dwellings that currently require a conditional use. The definitions for dwelling unit types has also been overhauled to use the same terms as the chart. It is proposed to allow triplexes and fourplexes to be a permitted use in the R-2 and R-2A Districts without conditional use as long as the minimum lot requirements for the districts are met.
- The supplemental provisions for residential and residential accessory uses have been modified for the purpose to provide better clarity.
- Reduced the area requirement for PUDs from 5 acres to 3 acres.
- There is a proposed new zoning district to allow for residential storage, Chapter 21.24, near residential zoning districts. Today, the only option is for developers to utilize the R-3 district and apply for a conditional use for storage units, however, the rezone is the issue for the fear that the property may be developed with apartment complexes when the developer simply wants to provide storage near residential districts for user convenience.
- Chapter 21.83 is a new ordinance chapter to allow in-home daycares in residential districts to meet special use provisions and be approved administratively. This will streamline the process for daycares and will protect the neighborhoods they exist in, as many of them operate without receiving a conditional use at all. This also helps support the efforts of the "Child Care Task Force" to assist in streamlining daycare processes saving providers time and money.

The Planning Commission recommended approval to City Council (5-0) at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

No Action; First Reading

ATTACHMENT(S):

[Illustration](#)

[Ordinance No. 24-24](#)

ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-24

TITLE 21

ZONING

Chapter

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ORDINANCE NO. 11-17
INTRODUCED BY THE CITY ~~PLAN COMMISSION~~ PLANNING
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~~ Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the ~~Plan Commission~~ Planning 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~~ Planning 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~~ Planning 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~~ Planning 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 21.05 ESTABLISHMENT OF DISTRICTS

Section

- [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](#)

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21.0501: ESTABLISHMENT OF DISTRICTS

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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-1C Compact 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
- R-S Residential Storage District
- C-1 Community Commercial District
- C-2 Local Commercial District
- C-3 Highway Service Commercial District
- C-L Lake Commercial District
- B-P Business Park District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PUD Planned Unit Development District

Source: (Ord. 20-10; Rev 5-1-2020)

21.0502: ESTABLISHMENT OF OVERLAY DISTRICTS

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

- A-P Aquifer Protection District
- W-E Wind Energy District
- GT-1 Gateway District
- D-T Downtown District

Source: (Ord 19-16; Rev 1-10-2020)

21.0503: OFFICIAL ZONING DISTRICT MAP

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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, the GT-1 Gateway Overlay District Map, the Downtown 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.

Source: (Ord 19-16; Rev 1-10-2020)

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 City Manager, 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. (Ord 21-14; Rev 6-11-21)

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 City Manager 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." (Ord 21-14; Rev 6-11-21)

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 of 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

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

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

<u>Residential Dwelling Type Based on Zoning Districts</u>		Minimum Density (SF/d.u.) ^a	<u>Dwelling Unit/Acre</u>	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard ^{b, c, d}	Minimum Required Rear Yard	Maximum Overall Height ^{a, b}
<u>R-1 Single Family Residential District</u>									
R1 Single-Family Dwelling Unit		9,000	<u>4.84</u>	9,000	75'	25'	9' ^{e, d}	25'	35'
R1 Single-Family Dwelling Unit	Corner	10,000	NA	10,000	85'	25'	9' ^{e, d}	25'	35'
<u>Other allowable uses</u>	<u>CU</u>	<u>NA</u>	<u>NA</u>	<u>9,000</u>	<u>75'</u>	<u>25'</u>	<u>9'</u>	<u>25'</u>	<u>35'</u>
<u>R-1C Compact Single Family Residential District</u>									
R-1C Compact Single-Family Residential Dwelling Unit		5,000 <u>4,500</u>	<u>9.68</u>	5,000 ^{i, j} <u>4,500</u> ^g	450'	<u>125'</u> ^h	6'6" & 9' ^{e, d, j}	<u>20'</u> ^{25'}	24'
R-1C Compact Single-Family Attached Residential Dwelling Unit		5,000		10,000 ^{i, j}	50'	25'	0' to 9' ^e on non-party wall	25'	24'
R-1C Compact Single-Family Dwelling Unit	Corner	6,900		6,900 ^{i, j}	75'	25'	6' & 9' ^{e, d, j}	25'	24'
<u>Other allowable uses</u>	<u>CU</u>	<u>NA</u>	<u>NA</u>	<u>4,500</u> ^g	<u>40'</u>	<u>125'</u> ^h	<u>6'</u>	<u>20'</u>	<u>24'</u>
<u>R-2A Single Family Attached Residential District (Closed District)</u>									
R2A Single-Family D.U.	No New Dev	4,500 <u>N/A</u>	<u>9.68</u>	6,000 <u>4,500</u>	50'	25'	6' ^{e, d}	25'	35'
<u>Duplex</u>		<u>3,000</u>	<u>14.52</u>	<u>6,000</u>	<u>50'</u>	<u>25'</u>	<u>6'</u>	<u>25'</u>	<u>35'</u>
<u>Triplex</u>		<u>2,000</u>	<u>21.78</u>	<u>6,000</u>	<u>50'</u>	<u>25'</u>	<u>6'</u>	<u>25'</u>	<u>35'</u>
<u>Fourplex</u>		<u>2,000</u>	<u>21.78</u>	<u>8,000</u>	<u>50'</u>	<u>25'</u>	<u>6'</u>	<u>25'</u>	<u>35'</u>

Other allowable uses	CU	NA	NA	6,000	50'	25'	6'	25'	35'
<u>R-2 Single Family Attached Residential District</u>									
R2 Two Single-Family		2,500 6,000	8.7	10,000 6,000	40 85'	25'	79' e, d	25'	35'
R2 Attached-Single Family Dwelling Duplex		2,500 4,500	9.68	2,500/d.u. 9,000	80 5'	25'	0'-to-79' e on non-party	25'	35'
Triplex		3,750	11.6	11,250	100'	25'	7'	25'	35'
Fourplex		3,375	12.9	13,500	120'	25'	7'	25'	35'
Other allowable uses	CU	NA	NA	9,000	80'	25'	7'	25'	35'
<u>R-3 Multi-Family Residential District</u>									
Single-family		6,000	7.26	6,000	60'	25'	9'	25'	35'
Duplex		3,000	14.52	6,000	80'	25'	9'	25'	35'
Triplex i.		2,500	17.42	7,500	90'	25'	97'	25'	35'
Fourplex i.		2,500	17.42	10,000	100'	25'	97'	25'	35'
R3 3 to 8 Dwelling		1,300 e. f	NA	1,300/d.u.f.g 6,500 f.	100'	30'	94 0'	25'	35'
R3 9 to 12 Dwelling Units		1,300 e. f	NA	1,300/d.u.f.g 11,700 f.	125'	30'	105 '	25'	55'
Over 12 Dwelling		1,300 e. f	NA	1,300/d.u.f.g 16,900 f.	150'	30'	15'	25'	55'
Other allowable uses	CU	NA	NA	10,000	100'	30'	9'	25'	35'
<u>R-4 Manufactured Homes District</u>									
R4 Manuf. Homes		7,500 5,000	NA	7,500 5,000	50'	25'	6'	15'	20'
R4 Manuf. Homes Other allowable uses	CU	7,500 5,000	NA	7,500 5,000	50'	25'	6'	15'	20'
<u>R-G Residential Garage District</u>									
Residential Garages		5,000 NA	NA	5,000	50'	25'	9' e	25'	24'

Other allowable uses in residential Districts	<u>CU</u>	<u>7,500</u> <u>5,000</u>	<u>NA</u>	<u>5,000</u> <u>7,500</u>	<u>50</u> <u>75</u>	<u>25</u> <u>30</u>	<u>9</u> <u>12</u>	25'	<u>2</u> <u>5</u>
<u>R-S Residential Storage District</u>									
<u>Allowable uses in the district</u>	<u>CU</u>	<u>NA</u>	<u>NA</u>	<u>10,000</u>	<u>100</u>	<u>40</u>	<u>10</u>	<u>15</u>	<u>24</u>

~~a. d.u. dwelling unit~~

a. 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)

b. Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required side yard setback.

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)

g. The maximum allowable amount lot coverage shall be 55%

h. Garage doors that open perpendicular to the right of way shall be setback twenty-five (25) feet.

i. If a structure is regulated under the International Building Code not the International Residential Code, the regulations for 5-8 units in the R-3 Multi-Family Residential District shall apply.

~~i.~~

~~j. The maximum allowable driveway curb cut is twelve (12) feet unless there is at least twenty (20) feet of continuous curb frontage.~~

~~k. 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 Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

a. The yard adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.

b. The yard opposite of the lakeshore shall have a fifteen (15) feet minimum setback from the lot line.

c. Attached garages that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line. Doors that open parallel to the street shall be setback nine (9) feet from the lot line.

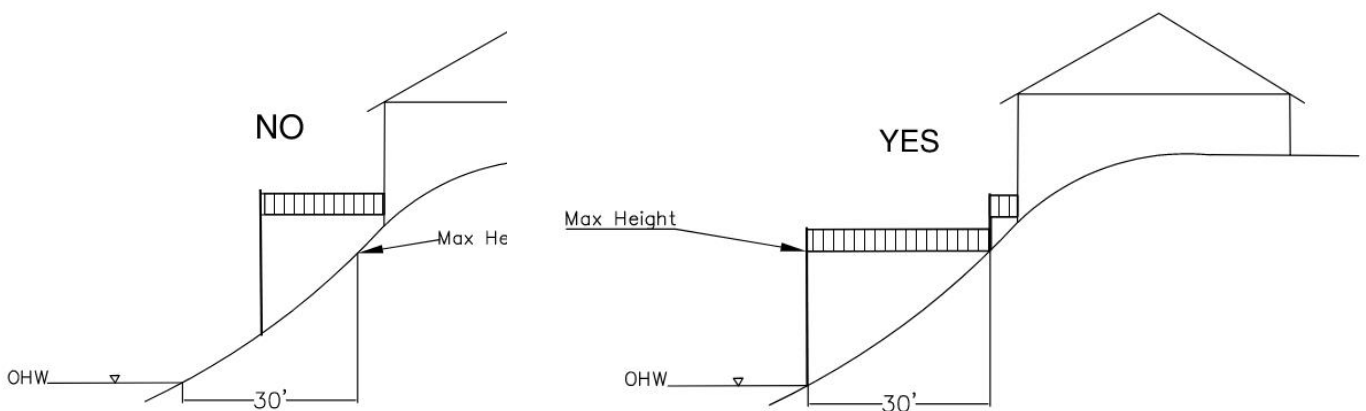
d. The setbacks as required above may be modified where the setback on the same side of the street or lake

is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply to attached garages if the garage doors are proposed to open perpendicular to the street, requiring a minimum setback of twenty (20) feet from the property line.

2.3. 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~~ Double frontage lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement. Any secondary front yard without access shall be allowed to have a fifteen (15) feet minimum front yard setback.
- ~~b.c.~~ For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- c. ~~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).~~
- d. The ~~front~~ front yard 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 structures 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~~ the average depth of the structure on each side. Any existing residential structures which observes a front yard 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).~~ **Exception:** If a garage is being proposed, in line provision does not apply if the garage door is proposed to open perpendicular to the street, then the twenty-five (25) feet front yard setback applies.
- e. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet per unit. (E-545-1) (Ord 13-14; Rev 06-28-13)

- f. 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)
- ~~g. 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) The lot size shall meet the minimum lot area requirements. (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 as long as each lot is at least 6,000 SF.~~
- g. 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. Attached Garage Standards.
- An attached garage shall be limited to three (3) garage doors/stalls per side or frontage
 - An attached garage shall have a maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the length of the attached garage shall not exceed 1.5 times the width and shall conform to the design of the house. (Ex. If the width is 42' the depth cannot exceed 63' however the overall size cannot exceed 2,352 SF limiting the depth to 56').
 - ~~(1) Attached garages to exceed maximum size or number of garage doors/stalls may be permitted at the discretion of the Building Official.
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 forty two (42) feet width and fifty six (56) feet depth, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.~~
 - The maximum allowable attached garage size, width, and depth may be increased by 440 SF, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.
- k. Decks shall observe the same setbacks as primary structures, see Table 21.1001. Decks adjacent to Lake Kampeska and Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Residential Code. See Illustration below:
- ~~h. Decks shall observe the same setbacks as primary structures, see Table 21.1001.~~



21.1002: RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

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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	24' 40'	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.
- 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 not to exceed cumulative size requirements regulated under Section 21.1002 4.b. ~~Boat houses are regulated independently under Section 21.1002 2.4.d and are not included in the total allowable number of accessory buildings.~~
 - (1) Lots less than or equal to 43,560 square feet in total area are allowed two (2) accessory structures as described below:
 - (a) One (1) unattached ~~garage~~ accessory structure, ~~one (1) attached garage~~, and one (1) ~~storage-structure~~ accessory structure less than or equal to two hundred (200) square feet (per dwelling unit)-OR;
 - (b) If a structure greater than two hundred (200) square feet does not exist on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet;
 - (2) Lots greater than 43,560 square feet in total area are allowed three (3) accessory structures as described below:
 - (a) Up to two (2) ~~unattached garages~~ accessory structures greater or equal to two hundred (200) square feet, ~~one (1) attached garage~~, and one (1) ~~storage-structure~~ accessory structure less than or equal to (200) square feet (per dwelling unit)-OR;
 - (2)(b) If only one structure greater than two hundred (200) square feet exists on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet.
- 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.

- 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.~~

3. Supplemental Provisions for Residential Accessory Structures on Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to residential accessory structures on lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

:

- a. Accessory structures greater than 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.
- b. Accessory structures less than or equal to 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a ten (10) feet minimum setback from the ordinary high water mark so long as proper flood-proofing measures are installed for structures within the floodplain.
- c. Accessory structures greater than 200 SF that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line adjacent to the street/right-of-way. Doors that open parallel to the street shall be setback nine (9) feet from the lot line adjacent to the street/right-of-way
- d. Accessory structures less than or equal to 200 SF shall have a nine (9) feet minimum setback from the lot line adjacent to the street/right-of-way.
- e. The setbacks as required above may be modified, ~~at the discretion of the Building Official,~~ where the frontage on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, ~~at the discretion of the Building Official,~~ be expanded to the full width of the main building. **Exception:** In line provision does not apply if garage doors are proposed to open perpendicular to the street, requiring a setback of twenty (20) feet from the property line.

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

- ~~b.a. An accessory structure 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~~ lot line. A garage permitted after July 11, 2008 which is entered perpendicular to ~~a the lot line~~ ~~alley~~ adjacent to an alley shall not be located closer than twenty (20) feet to the ~~alley~~ lot line. A garage which is entered parallel to ~~the lot line adjacent to~~ an alley shall not be located closer the nine (9) feet to the ~~alley~~ lot line.
- ~~c. Rear yards for homes located on lakefront property will be treated the same as an alley.~~
- ~~d. 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.~~
- ~~e.b. Unattached Garage~~ ~~Detached~~ Accessory structures greater than two hundred (200) square feet.
 - (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 ~~detached/unattached~~ accessory structure ~~garage~~ shall be limited to maximum side wall height of twelve feet (12'); a maximum height of twenty (20') feet to the peak.
- (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/structures~~ for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.
- ~~(b)~~(c) Properties that do not have the ability to construct an attached garage and do not currently have an attached garage (ex. sufficient width on side yard after setbacks) are allowed an additional 440 square feet for their detached accessory structure over two hundred (200) square feet and shall not be 50% larger than the primary structure.
- ~~f.c.~~ Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
- ~~g.d.~~ 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, pergolas or terraces, swimming pools that do not require a permit according to Ch. 21.79, barbecue pits, ~~noncommercial greenhouses~~, and similar improvements that meet the minimum setback requirement of an accessory structure greater than two hundred (200) square feet; provided a site plan for such facility is approved ~~are exempt from requiring a building permit~~
- ~~b. Dog enclosures shall observe the same setbacks as accessory structures greater than two hundred (200) square feet (see Table 21.1002).~~
- b. Prefabricated structures (ex. Dog house, noncommercial greenhouse) that are forty (40) square feet or less may be constructed from metal, plastic, etc. and meet the minimum setback requirement for an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit
- 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. Each parcel is allowed one (1) boat house. 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.

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 ~~a~~Activities and related farm buildings.
2. ~~On-site constructed S~~single family ~~detached~~ dwelling unit.
3. ~~Type I M~~manufactured ~~H~~homes in accordance with [21.7101\(1\)](#).
4. Recreational Use. (Ord 19-08: Rev 08-10-19)
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.
- 7.8. Home Occupations in accordance with Chapter 21.82.

21.12043: CONDITIONAL USES

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

1. ~~Type II manufactured homes (see 21.7101(2)).~~
- 2.1. Mining, subject to the provisions of this ordinance.
- 3.2. Veterinary Clinics (Large and/or small animal, with or without outside runs).
- 4.3. ~~Stables and~~ Commercial Kennels, public and private. (Ord 21-18; Rev 7-16-21)
- 5.4. Airports and airstrips.
- 6.5. Religious Institutions and/or cemeteries.
- 7.6. Animal Feedlots.
- 8.7. Sewage Treatment Plants.
- 9.8. Public and quasi-public institutions or services
- 10.9. Livestock Sales.
- 11.10. Commercial Greenhouses and nurseries.
- 12.11. Golf Course and driving range.
- 13.12. Game Propagation Areas.
14. Campground. (Ord 19-08: Rev 08-10-19)
15. Recreation Facility. (Ord 19-08: Rev 08-10-19)
16. Horticultural Services.
17. ~~Home O~~ccupations.
17. Funeral Service (Non-Human) (Ord 08-04: Rev 04-11-08)
18. Stables
19. Reception or Event Venue
- 18.—

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 AND PERMITTED SPECIAL USES

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

1. Single ~~F~~family ~~detached-R~~residential ~~D~~dwelling~~s, including attached or detached garages, but~~ not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public ~~U~~utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
4. Accessory ~~U~~uses and buildings in accordance with the provisions and regulations of [Section 21.1002](#) and/or [21.1004](#) of this ordinance.
5. ~~5.6.~~ Modular Homes.
- ~~5.6.~~ Day Care, Home (See Chapter 21.83 for special use provisions)

21.1403: CONDITIONAL USES

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

- ~~6. 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)~~
1. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
2. Religious institutions, public libraries, museums and schools.
3. Reserved.
4. Home ~~O~~ccupations in accordance with [Chapter 21.8270](#).
5. Bed and Breakfast.
6. Licensed ~~d~~Daycare centers in conjunction with religious institutions.
- ~~6.7.~~ 8. Golf Course. (Ord 19-08; Rev 08-10-19)
- ~~9.8.~~ Community Center (Ord 19-08; Rev 08-10-19)
- ~~10.9.~~ 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)
- ~~11.10.~~ Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements.
- ~~12.11.~~ 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](#).
- ~~13.12.~~ 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 ~~U~~ utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
4. Accessory ~~U~~ses and buildings in accordance with the provisions and regulations of [Section 21.1002](#) and/or [21.1004](#) of this ordinance.
5. Modular Homes.
- ~~5-6. Day Care, Home (See Chapter 21.83 for special use provisions)~~

21.1503: CONDITIONAL USES

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

1. Any conditional use listed in the R-1 District. (Ord. 19-08; Rev 08-10-19)
2. Communal Living (Ord 20-03; Rev 2-14-20)

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-property~~ shall be eligible to be zoned R-1C unless it contains ~~a half block area or approximately~~ one (1) acre.

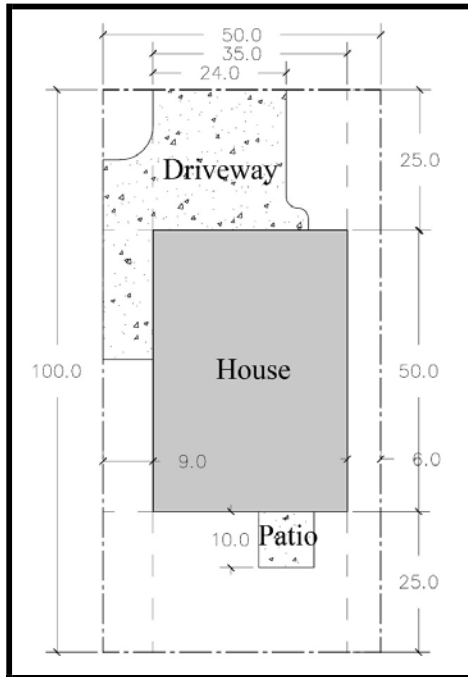
~~21.1505: GRAPHIC ILLUSTRATION~~

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

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



~~2. R-1AC 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~~ Duplex. (Ord 04-04; Rev 03-26-04)
2. ~~—~~
3. Triplex
4. Fourplex
- ~~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.
- ~~Three and four family dwellings.~~
2. Licensed Residential Treatment or Group Homes (not to exceed four (4) persons, not including employees).
3. Neighborhood Retail Establishments.
- ~~4. Single family zero lot line developments with eight or more contiguous lots by original plat.~~
- ~~5. 4.~~ Funeralary Service. (Ord 08-04; Rev 04-11-08)
- ~~6. 5.~~ Assisted Living Centers.
- ~~7. 6.~~ Communal Living. (Ord 20-03; Rev 2-14-20)
- ~~8. 7.~~ Fraternity/Sorority. (Ord 20-03; Rev 2-14-20)

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~~[Planning Commission](#) notwithstanding any contrary provision within [Section 21.0209\(1\)](#).
2. Any decision by the ~~Plan-Commission~~[Planning 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~~[Planning Commission](#). Any decision by the ~~Plan-Commission~~[Planning 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

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

- [1.](#) All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

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

- [1.](#) 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. 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)~~
- 1. All permitted uses in the R-1 and R-2 Districts
- 2. Multi-Family Dwellings
- 3. Public utilities and services required by the resident population.
- 4. Recreational Use. (Ord 19-08; Rev 08-10-19)

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 (≤) 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))~~
- ~~5.4. Clinics and Hospitals.~~
- ~~6.5. Licensed residential treatment or group homes.~~
- ~~7.6. 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

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

Chapter 21.20

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.~~
- ~~5.2. Public Utilities and services required by the resident population.~~
- ~~6.3. Recreational Use. (Ord 19-08; Rev. 08-10-19)~~
- ~~4. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.~~
- ~~5. Day Care, Home (See Chapter 21.83 for special use provisions)~~
- ~~7.~~

21.2203: CONDITIONAL USES

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

1. Home Occupations in accordance with [Chapter 21.8270](#).
- ~~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. [Storage Units](#)~~
4. Religious Institutions (Ord 21-31; Rev 8-13-21)

~~1.~~ **21.2204:**
21.2204: 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 property shall be eligible to be zoned R-4 unless it contains a minimum of five (5) acres.

~~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)~~

- ~~2. (Reserved)~~
- ~~3. The land area used or occupied by one manufactured home or other housing unit as a manufactured home-courtyard 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)~~

~~4. 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)~~

~~5. 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)~~

21.2205: GENERAL REQUIREMENTS

1. In accordance with the provisions of Chapter 21.71 Manufactured Homes

~~6. 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. 2. 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. 3. Site lighting shall be provided if private streets are utilized for access. 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)~~

4.

~~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 Federal Manufactured Housing Construction and Safety Standards Code and ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04)~~

~~7. 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)~~

~~8. 5. Whenever a manufactured home is moved in, to an existing court, a permit from the Building Official shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)~~

~~9. 1. 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 Planning Commission. The expansion shall comply with all other regulations herein set forth.~~

~~10. 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 MANUFACTURED HOME COURTS [\(back to Chapter contents\)](#)

1. 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 a license. All license shall expire on December 31 of the year in which it is issued. The annual

license fee shall be established by resolution of the City Council.

2. A manufactured home court shall maintain a register of all occupants, and such other information as may be required by law.
3. Existing manufactured home courts may be expanded. The manufactured home court, existing and expansion combined, shall be required to be a minimum of five (5) acres for the R-4 zoning. 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. Planning Commission. The expansion shall comply with all other regulations herein set forth.
4. 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.
5.

~~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 21.24
R-S RESIDENTIAL STORAGE DISTRICT

Section

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

21.2401	Purpose
21.2402	Permitted Uses
21.2403	Requirements
21.2404	Prohibited Uses
21.2405	Area and Bulk Requirements

21.2401: PURPOSE

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

It is the purpose of the Watertown City Council and Watertown Planning Commission to establish a district which allows for storage units and storage shops on a lot adjacent to or in close proximity to residential zoning districts.

21.2402: PERMITTED USES

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

1. Storage Shops
2. Storage Units
3. Storage Facility, Indoor

21.2403: 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."](#)

21.2404: DESIGN STANDARDS

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

1. Structure

- a. Constructed in an accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- c. Maximum side wall height shall not exceed sixteen (16) feet.
- d. 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.
- e. 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.
- f. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls 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 consistent with the size, mass and scale of the wall.

2. Outside Storage Display and Screening

- a. Outdoor storage is allowed in accordance with 21.6501: Outside Storage/Parking—Residential Uses

Chapter
21.254
C-1 COMMUNITY COMMERCIAL DISTRICT

Section

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

- [21.25401 Purpose](#)
- [21.25402 Permitted Uses and Permitted Special Uses](#)
- [21.25403 Conditional Uses](#)
- [21.25404 Area and Bulk Requirements](#)

21.25401: 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.

21.25402: PERMITTED USES AND PERMITTED SPECIAL 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. ~~Apartment~~ Dwelling units (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)
13. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
14. Day Care Facility (Non-residential).
- ~~13.~~

21.25403: 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. Day Care Facility (Non-residential). 8. 9. Apartment house <u>or complex</u>. 10. 11. 12. 13. <u>MAKE SURE NUMBER IS CORRECT ONCE ADOPTED</u> 26. Apartment Dwelling units (over 4 units) using the upper floors of commercial buildings 27. Apartment Dwelling unit(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear. 28. 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 | <ol style="list-style-type: none"> 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. Hotel/Motel/Inn. 23. Car Wash (automatic or semi-automatic). 24. Auto Body Repair Shops (Ord 20-46; Rev 1-15-21) Contractor Shops & Storage Yards. 25. Recreation Facility. (Ord 19-08; Rev 08-10-19) 12. Bed and Breakfast |
|---|--|

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.

29. Other uses which in the opinion of the Board of Adjustment are of the same general character.

30. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13) (Ord 17-02; Rev 03-31-17)

31. Storage Facility, Indoors

32. Reception or Event Venue

~~30.~~

21.25404: 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

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

- [21.2601 Purpose](#)
- [21.2602 Permitted Uses and Permitted Special Uses](#)
- [21.2603 Conditional Uses](#)
- [21.2604 Area and Bulk Requirements](#)

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 AND PERMITTED SPECIAL USES

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

1. ~~Neighborhood~~ Retail Establishments not to exceed 15,000 SF.
2. Automobile parking lot.
3. Bank or financial institution.
4. Service Establishments.
5. Public Utilities which serve the resident population. (Ord 04-04; Rev03-26-04)
6. Office (Building).
7. Recreational Use. (Ord. 19-04; Rev 05-31-19)
8. Recreation Facility (Ord. 19-08; Rev 08-10-19)
9. Religious Institutions (Ord 21-31; Rev 8-13-21)
10. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev10-8-21)
11. Dwelling unit(s) in the same structure as non-residential uses, provided such residential use is located above the first floor
12. Restaurant.
13. Day Care Facility (Non-residential).
14. Assisted Living Center (Ord 06-31; Add 01-25-07)
- ~~10. Clinic, (Ord 06-31; Add 01-25-07)~~
- ~~11.—~~

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.
- ~~4.5. Apartment House or Complex.~~
- ~~5.1. 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 (≤) six hundred (600) sf)~~
10. Funeralary Service (Ord 08-04; Rev 04-11-08)
- ~~11. Apartments (Ord 20-02; Rev 2-14-20)~~
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)
12. Storage Facility, Indoor
13. Dwelling unit(s) in the same structure as non-residential uses.
- ~~12.14. Reception or Event Venue~~

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

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

21.2801	Purpose
21.2802	Permitted Uses and Permitted Special Uses
21.2803	Conditional Uses
21.2804	Area and Bulk Requirements
21.2805	Prohibited Uses

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 AND PERMITTED SPECIAL 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 outsideruns).
11. Automobile parking lot.
12. Farm machinery and/or semi-trailer/semi-truck sales. (Ord 04-04; Rev 03-26-04)
13. Recreational Use. (Ord. 19-04; Rev 05-31-19)
14. Recreation Facility (Ord. 19-08; Rev 08-10-19)
15. Religious Institutions (Ord 21-31; Rev 8-13-21)
16. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
17. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
18. Day Care Facility (Non residential) mixed with non-residential uses in the same building
Ord 18-13; Add 08-10-18)
19. Storage Facility, Indoor
20. Reception or Event Venue

16.

21.2803: CONDITIONAL USES

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

- | | |
|--|---|
| 1. Car Wash (automatic or semi-automatic). | 10. Day Care Facility (Non-residential). |
| 2. Theater. | 11. Storage units. |
| 3. Bar or Tavern. | 12. Contractor Shops & Storage Yards. |
| 4. Truck or Bus Terminal. | 13. Light Manufacturing |
| 5. Bottling works. | 14. Funerary Service. (Ord 08-04; Rev 04-11-08) |
| 6. Lumberyard. | 15. Funerary Service (Non-Human)(Ord 08-04; Rev 04-11-08) |
| 7. Grain elevators and terminal. | 16. Wholesale establishment or warehouse in a completely enclosed building. |
| 8. Campground. (Ord 04-04; Rev 03-26-04). | 17. Caretakers Residence (Ord. 20-36; Rev 10-30-20) |
| 9. Apartment House or Complex. | 18. Auto body repair shops (Ord 20-39; Rev 1-15-21) |
19. 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.
 20. 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.

~~21.19. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-~~

~~14-13)~~

~~22.~~ 21. Schools offering post secondary education. (Ord 14-38; Rev01-10-15)

22. Commercial Kennel (Ord 21-18; Rev 7-16-21)

23. Dwelling unit(s) in the same structure as non-residential uses.

24. Storage Shops

~~23.~~

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 21.29
C-L LAKE COMMERCIAL DISTRICT

Section

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

[21.2901 Purpose](#)

[21.2902 Permitted Uses](#)

[21.2903 Conditional Uses](#)

[21.2904 Area and Bulk](#)

[Requirements 21.2905 Design](#)

[Standards](#)

[21.2906 Boundary Map for Lake](#)

[Kampeska 21.2907 Boundary Map for](#)

[Lake Pelican](#)

21.2901: PURPOSE

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

1. To establish appropriate locations within the C-L Lake Commercial Boundary Map in Section 21.2906 and 21.2907 to Lake Kampeska and Lake Pelican that are conducive to lake commercial activity.
2. To permit development of service/retail centers complimentary to lake recreation and living adjacent to Lake Kampeska and Lake Pelican as shown in the Comprehensive Land Use Plan.

Source: (Ord 20-10; Eff 5-1-2020)

21.2902: PERMITTED USES

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

1. Retail establishments.
2. Service Establishments.
3. Restaurants.
4. Recreational Use.
5. Recreation Facility.
6. Religious Institutions.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 21-31; Rev 8-13-21)

21.2903: CONDITIONAL USES

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

1. Campground.
2. Storage Shops.
3. ~~Apartment~~ House or Complexs.
- ~~3.4. Dwelling unit(s) in the same structure as non-residential uses.~~
- ~~4.5. Car Wash (automatic or semi-automatic).~~
- ~~5.6. Motels and Hotels.~~
- ~~6.7. Automobile parking lot.~~
- ~~7.8. Storage Units.~~
- ~~8.9. Office (Building).~~
- ~~9.10. Bar or Tavern.~~
- ~~10.11. Transit Station.~~

Source: (Ord 20-10; Eff 5-1-2020)

21.2904: 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."](#)

Source: (Ord 20-10; Eff 5-1-2020)

21.2905: DESIGN STANDARDS

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

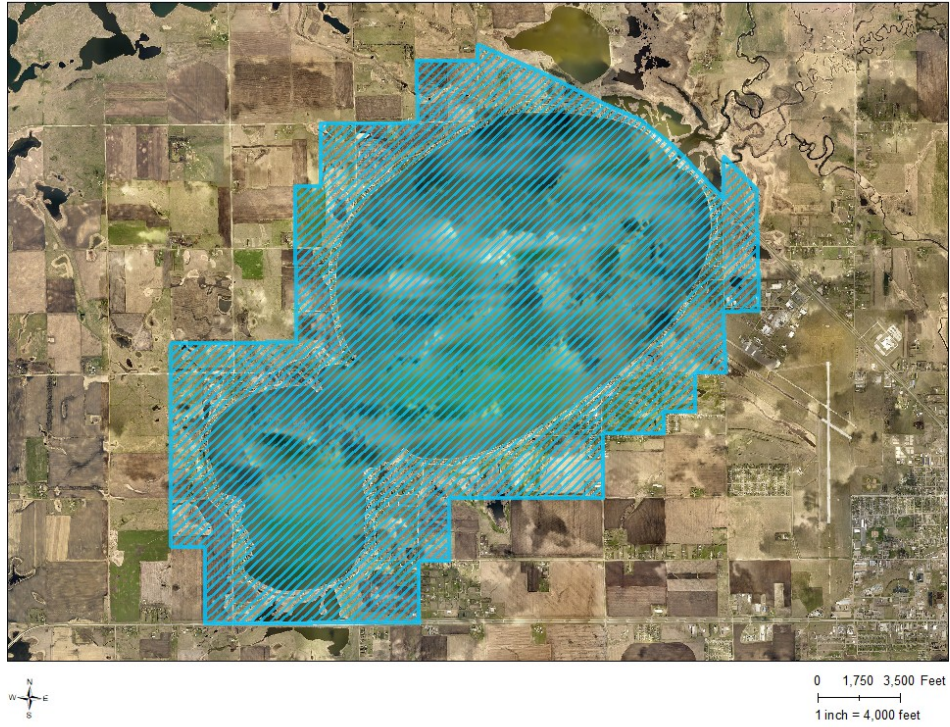
3. Structure

- a. Lot coverage shall not exceed fifty (50) percent of the total lot area.
 - b. All exterior walls facing and immediately adjacent to a property zoned R-1 Single Family Residential shall be finished with the following materials or similar faux material, or a combination of:
 - i. Face brick
 - ii. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block
 - iii. Tile (masonry, stone or clay)
 - iv. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture
 - v. Stucco or similar cement based material
 - vi. Architectural metal panels which cover a wall- i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels
 - vii. Transparent glass/spandrel glass
 - viii. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished
 - ix. Decorative block
 - x. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels are allowed if used as an accent to include not more than twenty (20) percent of said wall.
 - c. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls 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 consistent with the size, mass and scale of the wall.
4. Outside Storage Display and Screening
- a. Storage or display of items outside is limited to those items related to the nature of the business occurring within the primary structure.
 - b. Outside storage or display shall not be allowed on any regular parking spaces.
 - c. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
 - d. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty (50) percent of the trees shall be coniferous.
5. Transitional Yards
- a. Properties adjacent to Residential Zoning Districts shall maintain fifteen (15) feet of grass on the side yards to extend the entire length of the property boundaries.
 - b. Landscaping and screening devices, including fences, are allowed to be placed within the transitional yard.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 20-30; Rev 10-02-20)

21.2906: BOUNDARY MAP FOR LAKE KAMPESKA

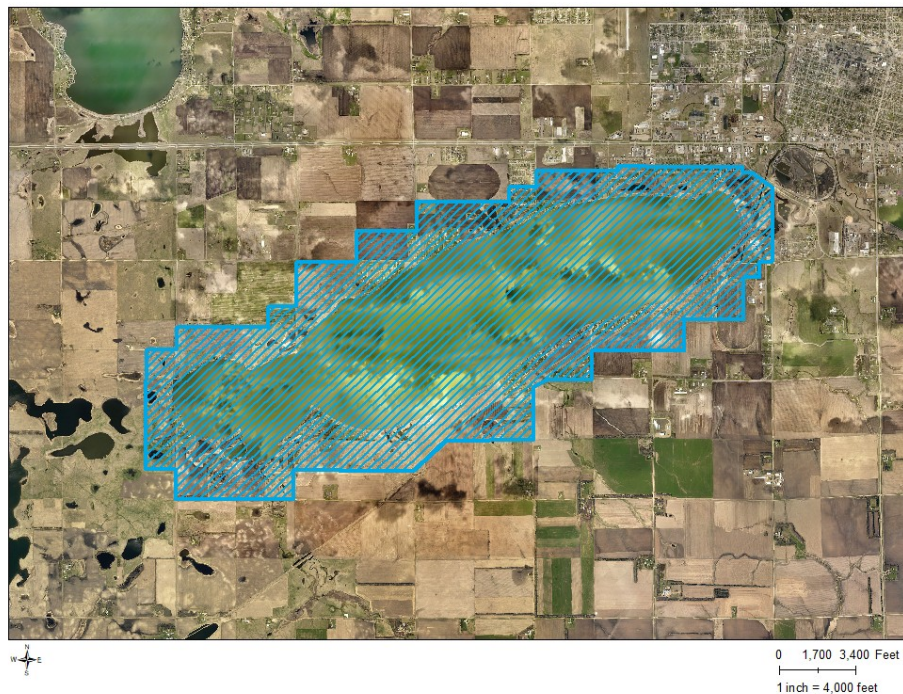
[\(back to Chapter contents\)](#)



Source: (Ord 20-10; Eff 5-1-2020)

21.2907: BOUNDARY MAP FOR LAKE PELICAN

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



Source: (Ord 20-10; Eff 5-1-2020)

Chapter 21.30

B_P BUSINESS PARK DISTRICT

Section

[21.3001 Purpose](#)

[21.3002 Permitted Uses](#)

[21.3003 Conditional Uses](#)

[21.3004 Requirements](#)

[21.3005 Prohibited Uses](#)

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

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. Recreational Use. (Ord. 19-08; Rev 08-10-19)
12. Recreational Facility (Ord. 19-08; Rev 08-10-19)
13. Schools offering post-secondary education. (Ord 13-35; Rev 01-10-13)
- ~~14.~~ 15. Day Care Facility (Non-residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)

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;

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 and Permitted Special 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 AND PERMITTED SPECIAL USES

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

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Agricultural (crop production or pasture). 2. Motor vehicle sales and/or repair.
(Ord 12-18; Rev 06-15-12) 3. Welding shops. (Ord 04-04; Rev 03-26-04) 4. Lumberyards. 5. Offices. (Ord 04-04; Rev 03-26-04) 6. Highway/street maintenance shops/yards. 7. Mail order houses. 8. Milk/soft drink bottling plant
(with no limit of employees). 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) 22. Medical Cannabis Cultivation Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21) 23. Medical Cannabis Testing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21) 24. 25. Medical Cannabis Product Manufacturing Facility (See Title 25 for special use provisions)
(Ord 21-36; Rev 10-8-21) 25. Day Care Facility (Non residential) mixed with non residential uses in the same building
(Ord 18-13; Add 08-10-18) Storage Shops | <ol style="list-style-type: none"> 10. Oil stations/auto cleaning establishments. 11. Public and private utilities uses. 12. Truck terminals and freight warehouses. 13. Contractor Shops & Storage Yards. 14. Storage Units. 15. Warehouse. 16. Veterinary Clinic (large and/or small animal,
with or without outside runs).
(Ord 19-17; Rev 1-10-2020; removed “Caretakers
Residence”) 17. Auto body repair shops (Ord 20-40; Rev 1-15-21) |
|---|--|

26.

~~Storage Facility, Indoor:~~

21.3203: CONDITIONAL USES

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

- ~~1. 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)~~
- ~~2.1.~~ Restaurants.
- ~~3.2.~~ Motels.
- ~~4.3.~~ Funeralary Service. (Ord 08-04; Rev 04-11-08)
- ~~5.4.~~ Funeralary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
- ~~6.5.~~ Recreation Facility open to the public, fourteen (14) years of age and older. (Ord. 19-08; Rev 08-10-19)
- ~~7.6.~~ Day Care Facility (Non-residential) (Ord 18-13; Add 08-10-18)
- ~~8.7.~~ Caretakers Residence (Ord. 19-17; Rev. 1-10-2020)
- ~~9.8.~~ Warehousing and sales of Class 1.4G Fireworks as regulated by the Code of Federal Regulations, the Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord. 20-05; Rev 2-28-20)
- ~~10.9.~~ Commercial Kennel (Ord 21-18; Rev 7-16-21)
- ~~11.10.~~ Religious Institutions (Ord 21-31; Rev 8-13-21)
11. Stables
12. Day Care Facility (Non-residential) mixed with non-residential uses in the same building.

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 and Permitted Special 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 AND PERMITTED SPECIAL USES

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

Any permitted or permitted special use in the I-1 District. (Ord 21-36; Rev 10-8-21)

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 tarasphalt.
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. Funeralary Service. (Ord 08-04; Rev 04-11-08)
18. Funeralary 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.

20. Warehousing, packaging, and sales of Class 1.3G and Class 1.4G Fireworks as regulated by the Code of Federal Regulations, Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord 20-05; Rev 2-28-20)

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 Amendments to PUD Plan](#)
- [21.3805 Applicability of Subdivision Regulations](#)

21.3801: PURPOSE

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

To permit great flexibility in the use(s) 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.

(Ord. 20-01; Rev 2-14-20)

21.3802: APPLICATION AND MODIFICATION POWERS

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

A PUD district may be approved when the applicant demonstrates to the satisfaction of the Design Review Team and ~~Plan-Commission~~[Planning Commission](#) that the proposed PUD Plan will result in a greater benefit to the City than would a development under conventional zoning district regulations. Site proposed for PUD district must be at least or exceed ~~five-three~~ [\(35\)](#) acres. In acting upon the application, the City may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping requirements and density 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.

(Ord. 20-01; Rev 2-14-20)

21.3803: PROCEDURE

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

The following procedural and informational requirements shall be followed for Planned Unit Development application:

1. **Staff Review:** Applicant shall meet with the Design Review Team (DRT) on an informal basis at its regular meeting to relate his/her intent. The DRT will evaluate the consistency of the applicant's intent with the comprehensive land use plan. The DRT shall review materials presented, discuss the plan proposal, suggest alternatives as necessary, and authorize the applicant to prepare a PUDPlan.
2. **PUD Plan:**
 - a. Applicant shall prepare the following supportive graphic and written information materials as follows:
 - (1) Property description and acreage, identification of owner and developer.
 - (2) Existing conditions, area relationships, relationship to comprehensive land use plan, existing land use, transportation, zoning, etc.
 - (3) Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.
 - (4) Proposed land use areas, acreages, maximum number of units, maximum building height and densities, building setbacks, circulation, parking, streets, open space, recreational areas, and development staging.
 - (5) Information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.
 - (6) 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.
 - b. The PUD Plan shall be submitted to staff to review for completeness. If complete, the PUD plan shall be an exhibit to the rezone petition and shall be approved in accordance with SDCL 11-4-4.

- c. 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.
- d. Notice shall be given to landowners within 250 feet of the property boundaries by certified mail of the applicant's request. The certified letter shall give the details of the applicant's PUD rezone request, include the proposed PUD plan, and state the date and time of ~~Plan Commission~~Planning Commission meeting when action will be taken.
- e. The ~~Plan Commission~~Planning Commission may impose other conditions as necessary to recommend to the City Council. The ~~Plan Commission~~Planning Commission shall recite the reasons and findings of fact if the application is denied.
- f. ~~Plan Commission~~Planning Commission will recommend the rezone petition to the City Council who will take final action on the request.

(Ord 04-04; Rev 03-26-04) (Ord. 20-01; Rev 2-14-20)

21.3804: AMENDMENTS TO PUD PLAN

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

~~Amendments to an approved PUD Plan shall be made at the discretion of the City Engineer. The City Engineer may request an updated PUD Plan for review and approval when minor changes to the plan are proposed.~~ Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, easements, or lot and block numbers and shall not require an updated PUD Plan for approval following the procedures in this chapter. Major changes to an approved PUD Plan shall follow the procedures for approval of a PUD Plan as required in this ~~section~~chapter. Major changes shall include a change in major street pattern, drainage way, detention pond location, public open space location, right-of-way widths, land use, maximum building height and densities, perimeter boundaries, etc.

(Ord 20-01; Rev 2-14-20)

21.3805: APPLICABILITY OF SUBDIVISION REGULATIONS

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

All sections of Title 24 Subdivision of Land must be complied with in accordance to the approved PUD plan prior to building permit issuance.

(Ord. 20-01; Rev 2-14-20)

21.3806: REPEALED (Ord 20-01; Rev 2-14-20)

Chapter 21.50
“A~~P~~” 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~~[Planning 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 sewersystem.
 - 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 overfill 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**“W-E” 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~~[Planning 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 windstorms.
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~~Planning 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](#). Any property zoned BP Business Park District shall also be overlaid by the GT-1 Gateway Overlay District. 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~~Planning 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.
 - a. The same as underlying zoning district.
 - b. ~~The same as underlying zoning district uses may be allowed provided they meet the conditions described herein.~~ Apartment 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)~~

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.a. 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. The front yard setback is in accordance with the requirements illustrated in the following tables for applicable streets. The percentage of front yard setback used as gross parking area shall not apply to lots that are less than 40,000 SF.

Exception: The ~~Building Official~~ Administrative 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	
Percentage of Front Yard Setback Used as Gross Parking Area*	Less than 15%
Structures	20'

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

Lots Adjacent to Other Streets	
Percentage of Front Yard Setback Used as Gross Parking Area*	Less than 15%
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~~ Administrative Official 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~~Administrative Official 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 (1 1/4) 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	5'
Industrial	Commercial	5'
Industrial	Residential	20'
Commercial	Industrial	5'
Commercial	Commercial	5'
Commercial	Residential	15'

3. Transitional yards shall extend the entire length of each respective property boundary. Exception: Access driveways between interior lot lines may be located in transitional yards. Access driveways shall conform to Table 5.1 of the Engineering Design Standards.
4. Transitional yards shall be ~~landscaped~~planted and maintained as grass. ~~Areas not planted with shrubs, trees or other appropriate screening devices shall be maintained with not less than seventy five percent (75%) grass.~~Fences or other screening devices may be located within the required transitional yard.
5. Landscaping and trees located in transitional yards may be included in the total landscaped area described in Section 21.5410.
6. Fences or other screening devices may be located within transitional yards.
7. Approved Post Construction Stormwater Management Facilities may be located in transitional yards to meet all or portions of the Post Construction Stormwater Management requirements.

Source: (Ord 22-19; Rev 7-29-22)

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~~Administrative 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~~ Planning 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

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 <u>unless city identification/welcome signage in accordance with 21.8028 (l)</u>
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

- Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
- 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:

- Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
- Outside storage or display shall not be allowed on any required parking spaces.
- Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
- 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

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

- No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
- 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 21.56

~~“D-T”~~ DOWNTOWN OVERLAY DISTRICT

Section

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

- [21.5601 Purpose and Intent](#)
- [21.5602 Establishment/Delineation/Regulation](#)
- [21.5603 Applicability](#)
- [21.5604 DT Overlay District Use Regulations](#)
- [21.5605 Setbacks](#)
- [21.5606 Reserved](#)
- [21.5607 Transparency](#)
- [21.5608 Doors and Entrances](#)
- [21.5609 Lighting](#)
- [21.5610 Signage](#)
- [21.5611 Building Materials](#)
- [21.5612 Building Construction](#)
- [21.5613 DT Downtown Overlay District Map](#)

21.5601: PURPOSE AND INTENT

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

It is the purpose and intent of the Watertown City Council and Watertown ~~Plan Commission~~ Planning Commission to establish a Downtown Overlay District (D-T) to:

1. Promote development of a compact, pedestrian oriented downtown consisting of high-intensity employment center, vibrant and dynamic mixed use area, and residential living environments that provide a broad range of housing types for an array of housing needs;
2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents;
3. Encourage pedestrian-oriented development within walking distance;
4. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
5. Enhance the community’s character through the promotion of high-quality urban design and historical preservation.

(Ord 19-09; Eff. 11-1-19)

21.5602: ESTABLISHMENT/DELINEATION/REGULATION

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

Boundaries for the D-T Downtown Overlay District shall include the property within the City Limits of Watertown, South Dakota as referenced in Section 21.5613.

(Ord 19-09; Eff. 11-1-19)

21.5603: APPLICABILITY

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

1. The provisions of this chapter shall apply to any project on a lot or parcel in the D-T Downtown Overlay District as described herein.
2. Where the provisions of Chapter 21.56 conflict with other provisions of this title, the provisions of Chapter 21.56 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.56 shall be regulated as defined elsewhere in this title.
4. The D-T Downtown Overlay District regulations shall only be applicable to new construction and substantial improvement permitted after the effective day of this ordinance, November 1st, 2019.

(Ord 19-09; Eff. 11-1-19)

21.5604: DT OVERLAY DISTRICT USE REGULATIONS

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

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

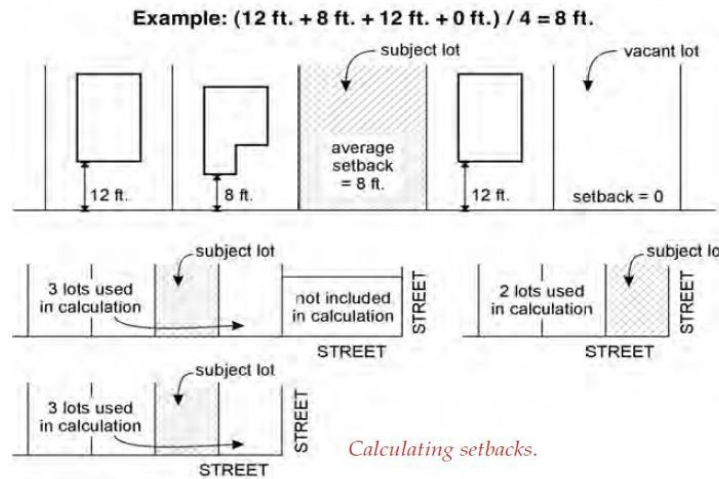
1. Permitted Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.
2. Conditional Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.

(Ord 19-09; Eff. 11-1-19)

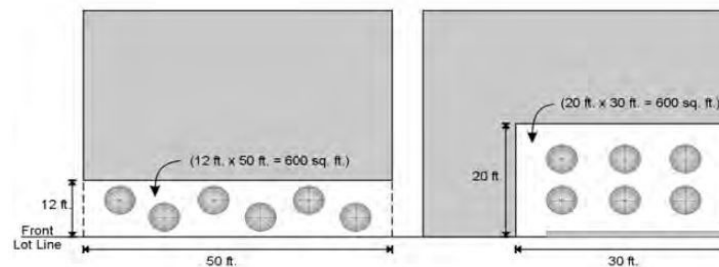
21.5605: SETBACKS

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

1. Minimum required front, side and rear yard setbacks shall be as required in the underlying district.
2. The maximum front yard setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant lots will be deemed to have a yard depth of zero feet.
 - b. Lots fronting a different street than the subject lot or separated from the subject lot by street or alley may not be used in computing the average.
 - c. When the subject lot is a corner lot, the average setbacks will be computed on the basis of the two adjacent lots that front on the same street as the subject lot
 - d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
3. The following exceptions to the maximum front yard setbacks apply:
 - a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of the building frontage.
 - b. A building may be set back farther than the maximum setback in order to accommodate an outdoor area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front yard property line, or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.



Exceptions to minimum front and streetside setbacks.



(Ord 19-09; Eff. 11-1-19)

21.5606: RESERVED (Ord 19-09; Eff. 11-1-19)

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

21.5607: TRANSPARENCY

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

1. A minimum of fifty (50) percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.
2. The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph one (1) above may not be more than four (4) feet above adjacent sidewalk.
3. Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(Ord 19-09; Eff. 11-1-19)

21.5608: DOORS AND ENTRANCES

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

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(Ord 19-09; Eff. 11-1-19)

21.5609: 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.

(Ord 19-09; Eff. 11-1-19)

21.5610: SIGNAGE

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

Signage shall be as required in the underlying district.

(Ord 19-09; Eff. 11-1-19)

21.5611: BUILDING MATERIALS

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

The following building material requirements shall be applied to encourage the use of high-quality compatible materials to upgrade the visual qualities of Downtown Watertown while maintaining the character of the historic architecture and aesthetics through the following design guidelines:

1. Retain existing facades in the Downtown District
2. Maintain and restore existing facades, trim, cornices or replace with similar replications.
3. Encouraged materials:
 - a. Decorative masonry
 - b. Granite
 - c. Brick
 - d. Glass
 - e. Stone
4. Prohibited materials:
 - a. Metal unless used as an accent not to exceed fifteen (15) percent of any wall.
 - b. Use of lap or shingle siding
 - c. Stucco or synthetic stuccos below ~~twelve-eight~~ (812) feet
 - d. Plywood

(Ord 19-09; Eff. 11-1-19)

21.5612: BUILDING CONSTRUCTION

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

1. When obtaining a permit for new construction, building alteration, or demolition within the D-T Downtown Overlay District the applicant shall submit, to the Building Official, the following:
 - a. A clear statement of the proposed work, to include such matters as colors, materials, landscaping, and signs.
 - b. Plans showing the size, height, and completed appearance of the proposed work.
 - c. A site plan showing all existing and adjacent buildings and structures and the proposed work.
2. In order to preserve the integrity of the D-T Downtown Overlay District, if any similar material not approved by the ~~Building Official~~ Administrative Official which meets the purpose to maintain and preserve the historic architecture and aesthetics, the application shall be submitted and approved by the ~~Plan Commission~~ Planning Commission who shall consider the following factors:
 - a. Adverse impacts to the integrity of the property or structures to be minimized.
 - b. Changes to the defining characteristic of the building or site shall be minimized.
 - c. Removal of historic materials and features of the building or site shall be avoided.
 - d. Historic materials shall be retained where possible; where not feasible, compatible materials shall be encouraged.
 - e. The proposed work shall be compatible with the property or structure itself, as well as to the surrounding neighborhood or district. Consideration shall be given to exterior design, site layout, proportion, detail, scale, color, texture, and materials.

3. 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 19-09; Eff. 11-1-19)

21.5613: D-T DOWNTOWN OVERLAY DISTRICT MAP

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

The D-T Downtown Overlay District Map is hereby adopted in reference as part of these regulations as if the map was fully described herein.



(Ord 19-09; Eff. 11-1-19)

Chapter 21.70
MODULAR HOME PROVISIONS

Section (back to Title contents)

21.7101 Modular Home Provisions

21.7001: MODULAR HOME PROVISIONS (back to Chapter contents)

A modular home shall meet the following regulations:

1. When moved into or through city limits, a moving permit shall be required.
2. Modular homes shall meet or exceed International Code Council or jurisdictional standards.
3. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
4. Modular homes shall have more than eight hundred (800) square feet of living quarters, not to include attached or detached garages.
5. Modular homes shall be placed on a permanent foundation approved by the Building Official.
6. Modular homes shall have a minimum of a 3/12 roof pitch.
7. Siding and roofing material of a type similar to that allowed in a residential district as approved by the Building Official.
8. Modular homes shall have local inspections at the time of building permit issuance.
9. Modular homes moved into city limits shall submit reports of building inspections provided by manufacturer or licensed third party agent at the time of permit application

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

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

~~1. For the purpose of this ordinance, Manufactured homes and mobile homes will be regulated by type~~ shall meet the following requirements: ~~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.~~
- ~~h. Siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.~~
- ~~g.i. Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.~~ All manufactured homes shall bear the HUD (Housing Urban Development standards post 1974) seal

~~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)~~

21.7102: MANUFACTURED ~~AND MOBILE~~ HOME INSTALLATION STANDARDS

1. **Placement permit required.** No manufactured home ~~or mobile home~~ shall be installed or reinstalled, ~~or altered~~ without first obtaining a permit from the Building Official. A separate permit shall be required for each installation or reinstallation, ~~or alteration~~. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation or reinstallation, ~~or alteration~~.

2. **Inspections required.** The following inspections shall be required: Footings/Anchorage/foundation inspection, ~~vapor retarder inspection, concrete slab or under floor inspection, anchorage inspection, and building service equipment final~~ 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. 6. 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~~ 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~~ in compliance with current ordinance requirements. ~~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.a. 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 12-31-0~~

Chapter 21.83
Day Care, Home

Section

(back to Title contents)

<u>21.8301</u>	<u>Approval Required</u>
<u>21.8302</u>	<u>Special Use Provisions</u>

21.8301: APPROVAL REQUIRED

1. Day care, Homes shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met to be approved administratively. If the special use provisions are not met, a conditional use is required to be applied for and granted by the Board of Adjustment.
- 1.2. Day Care, Homes, registered or unregistered through the SDCL 26-6-14.1 and 26-6-14.8. may not provide care for more than twelve (12) children at any one-time including children under six living in the home.
3. The provider shall reside at the dwelling the day care, home is located. Day Care, Homes are allowed to have employee(s) at the dwelling.
4. No Day Care, Home may be located or operate in the city without the appropriate valid administrative approval from City staff or conditional use granted by the Board of Adjustment pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter 21.99. Each day of the violation constitutes a separate offense.

21.8302: SPECIAL USE PROVISIONS

Day Care, Homes within residential districts shall not impact the neighboring properties and shall comply with all of the following conditions:

1. 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.
2. A ~~six~~ four foot (46') privacy fence with less than ten (10) percent transparency or vegetative buffers four feet (4') in height shall be installed around outdoor recreation space to screen from adjacent residential properties. During winter months where fences or vegetation are unable to be installed an extension may be granted up to six (6) months.
3. Provide ~~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. Employee(s) shall be provided with an off-street parking location.

Chapter 21.90
DEFINITIONS

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

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 Structure: a ~~subordinate detached~~ building ~~or portion of the main building~~ which is located on the same lot as the ~~main primary~~ building and the use of which is clearly incidental to the use of the ~~main primary~~ 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~~ Community Development Manager or such other designated officials as ~~are~~ authorized by ~~the City of Watertown~~ the Public Works Director.

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 Body Repair Shops: facilities that provide bodywork and collision repair services, including body frame straightening, replacement of damaged parts, paintwork repairs, and spray paint operations for trailers and motor vehicles. (Ord 20-41; Rev 1-15-21)

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. (Ord 21-17; Rev 7-16-21)

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 who reports to the Community Development Manager.

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 or cabins 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.

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.

Car Wash: A place or building where vehicles or equipment are cleaned (Ord. 20-10; Rev. 5-1-2020)

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; Rev 1-25-07)

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.

Communal Living: A building or place, other than a fraternity or sorority house, where a group of four or more persons, but no more than six persons, not related by blood or law living together and maintaining a common dwelling unit. (Ord 20-03; Rev 2-14-20)

Commercial Kennel: any premises, or portion thereof, where dogs or cats over four (4) months of age are boarded, raised, bred, or cared for (non-veterinary) in return for remuneration, or are offered for sale, or are kept for the purpose of sale. (Ord 21-18; Rev 7-16-21)

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)

Community Development Manager: an Administrative Official who reports to the Public Works Director.

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.

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: A dwelling, occupied as a residence by the care provider, in which family-like care is given. All provisions of Chapter 21.83 must be met for the use to be permitted in designated districts.

~~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.

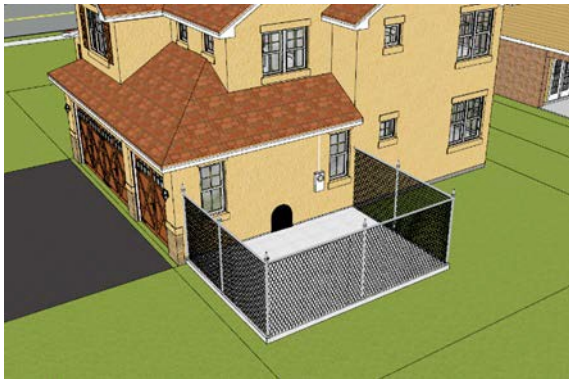
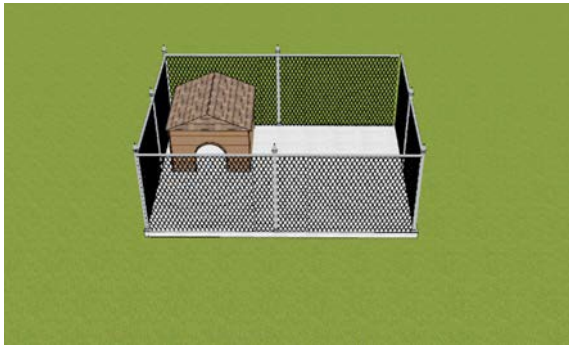
Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the ~~Plan Commission~~Planning Commission or its designee. (Ord 06-31; Add 01-25-07)

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.

Dog Enclosure: An attached or detached outdoor structure intended for the exercising, containment, and/or sheltering of a dog or dogs. Not to include a fence constructed on the perimeter of the property. (Ord 21-18; Rev 7-16-21)



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.

— ~~Apartment(s): a dwelling unit or multiple dwelling units for use as a residence.~~

— ~~Apartment House: a residential building designed for or occupied by (3) or more dwelling units.~~

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 dwelling units families.~~

6. ~~**Single Family:** see 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.~~

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 front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more vertical common fire resistant walls and property lines, 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: 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. **Multi-Family:** a residential building containing four (4) or more dwelling units

a. **Apartment House:** a residential building designed for or occupied by four (4) or more dwelling units.

b. **Rowhousing:** Four (4) or more single family dwelling units, attached in a row, each having a separate entrance and is joined by an unpierced common wall, extending from the basement floor to the roof, on one or both sides.

c. **Townhouse:** A group or row of three (4) or more single family dwelling units designed and built as a single structure in which each unit has its own front and rear access to the outside, no unit is located

over another unit, and each unit is separated from any other unit by one of more vertical common fire-resistant walls and property lines. Each dwelling required to be subdivided as individual lots following development.

- d. **Apartment Complex:** conforming site consisting of multiple dwelling units within multiple buildings.
 - e. **Dwelling Groups:** A group of two or more single family, single family attached, or multi-family dwellings occupying a parcel of land in one ownership and having a yard or court in common, not to include motels/hotels
2. **Single Family Attached:** a building consisting of not more than four (4) dwelling units which are attached by common vertical walls and each unit having a separate or combined entrance or entrances.
- a. **Duplex:** A building containing two dwelling units totally separated from each other for occupancy of two separate dwelling units located on a single lot.
 - b. **Triplex:** Three (3) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.
 - c. **Fourplex:** Four (4) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.
3. **Single-Family:** a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

~~**Dwelling 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.~~ **Dwelling Unit (d.u.):** a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation

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

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 displayscreen 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; Rev09-29-17)

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, of 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.

Fraternity/Sorority: A building that is intended or designed to be occupied as a residence for a group of more than five members and recognized as a chartered chapter by a national or international organization or society. (Ord 20-03; Rev 2-14-20)

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. If a lot has double frontage, each front shall meet the minimum lot frontage requirement.

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.

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 as the primary residence. (Ord 04-04; Rev03-26-04)

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.

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 of 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.

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 (HUD).

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:~~ Modular home or modular structure means a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL §32-7A-1 or a recreational vehicle

- ~~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.~~
- ~~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 advances 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 (Billboard): ~~any sign identifying or advertising a business, person, activity, goods, products or services at a location other than where such sign has been erected.~~ A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises Sign: ~~Freestanding 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.~~ A sign which directs attention to a business or professional conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located. On-premise signs may also advertise logos or names of sponsors that support an event located on the site the sign is located.

~~(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)

Reception or Event Venue: Site used for the arrangement of scheduled private or public events such as weddings, reunions, festivals, etc.

Recreation Facility 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. (Ord 18-13; Rev 08-10-18)

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 or passive activities and open to the public (public parks, playgrounds, etc.) (Ord 19-08; Rev 08-10-19)

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 situated outdoors or visible from the outdoors, that is used to ~~which~~ advertise, identify, display, or directs attention to an object, person, institution, organization, business, commodity, product, service, e-or entertainment event or location ~~but excluding any flag, badge or insignia of any government agency, or any civic, charitable, religious, patriotic or similar organizations~~ by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, athletic scoreboards or the official announcements or signs of government.

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.

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)

Stables. Any premises or part thereon where horses or any equine animals are maintained, boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale.

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 Shops: A building(s) for personal use only as a storage facility. Each structure is allowed to have water and sewer utilities. Commercial uses and living quarters are prohibited. (Ord. 20-10; Rev 5-1-2020)

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.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (E-592-1)

Substantial improvement: any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a "historic structure" (E-592-1) provided that the alteration will not preclude the structure's designation as a "historic structure."

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.

Swimming pool: is a receptacle for water, or an artificial pool for water having a depth at any point of more than ~~two~~three feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment. (Ord 05-05; Rev 05-02-05)

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.

Transit Station: An area or building used for the transporting of people or goods by vehicle from one place to another. (Ord 20-10; Rev 5-1-2020)

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.

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.

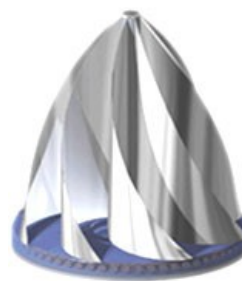
Variance: a modification or relief from the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be permitted.

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:



TITLE 21



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 one-dimensional 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)

**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)

ORDINANCE NO. 24-24

AN ORDINANCE AMENDING Ch. 21.05 Establishment of Districts, Ch. 21.10 Summary of District Regulations, Ch. 21.12 Agricultural District, Ch. 21.14 Single Family Residential District, Ch. 21.15 Compact Single Family Residential District, Ch. 21.16 R-2 Single Family Attached Residential District, Ch. 21.18 R-2A Single Family Attached Residential District, Ch. 21.20 R-3 Multi-Family Residential District, Ch. 21.22 R-4 Manufactured Homes Residential District, Ch. 21.24 R-S Residential Storage District (New District), Ch. 21.25 C-1 Community Commercial District, Ch. 21.26 C-2 Local Commercial District, Ch. 21.28 C-3 Highway Commercial District, Ch. 21.29 C-L Lake Commercial District, Ch. 21.30 B-P Business Park District, Ch. 21.32 I-1 Light Industrial District, Ch. 21.36 I-2 Heavy Industrial District, Ch. 21.38 PUD Planned Unit Development, Ch. 21.50 A-P Aquifer Protection Overlay District, Ch. 21.52 W-E Wind Energy Conversion Systems Overlay District, Ch. 21.54 GT-1 Gateway Overlay District, Ch. 21.56 D-T Downtown Overlay District, Ch. 21.70 Modular Home Provisions (New Chapter), Ch. 21.71 Manufactured Home Provisions, Ch. 21.83 Day Care, Home, and Ch. 21.90 Definitions OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Residential Height and Placement Regulations, Zoning Districts Uses, Overlay Districts, Modular Home Provisions, Manufactured Home Provisions, In-Home Daycares, and Definitions of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters including: Ch. 21.05 Establishment of Districts, Ch. 21.10 Summary of District Regulations, Ch. 21.12 Agricultural District, Ch. 21.14 Single Family Residential District, Ch. 21.15 Compact Single Family Residential District, Ch. 21.16 R-2 Single Family Attached Residential District, Ch. 21.18 R-2A Single Family Attached Residential District, Ch. 21.20 R-3 Multi-Family Residential District, Ch. 21.22 R-4 Manufactured Homes Residential District, Ch. 21.24 R-S Residential Storage District (New District), Ch. 21.25 C-1 Community Commercial District, Ch. 21.26 C-2 Local Commercial District, Ch. 21.28 C-3 Highway Commercial District, Ch. 21.29 C-L Lake Commercial District, Ch. 21.30 B-P Business Park District, Ch. 21.32 I-1 Light Industrial District, Ch. 21.36 I-2 Heavy Industrial District, Ch. 21.38 PUD Planned Unit Development, Ch. 21.50 A-P Aquifer Protection Overlay District, Ch. 21.52 W-E Wind Energy Conversion Systems Overlay District, Ch. 21.54 GT-1 Gateway Overlay District, Ch. 21.56 D-T Downtown Overlay District, Ch. 21.70 Modular Home Provisions (New Chapter), Ch. 21.71 Manufactured Home Provisions, Ch. 21.83 Day Care, Home, and Ch. 21.90 Definitions of the Revised Ordinances of the City of Watertown be amended as follows:

TITLE 21

ZONING

Chapter

[\(back to Table of Contents\)](#)

21.1	Purpose
21.2	Administration and Enforcement
21.03	General Provisions
21.4	Nonconformities
21.5	Establishment of Districts
21.10	Summary of District Regulations

21.12	A-1 Agricultural District
21.14	R-1 Single Family Residential District
21.15	R-1C Compact Single Family Residential District
21.16	R-2 Single Family Attached Residential District
21.18	R-2A Single Family Attached Residential District
21.20	R-3 Multi-Family Residential District
21.22	R-4 Manufactured Home Residential District
21.23	R-G Residential Garage District
21.24	R-S Residential Storage District
21.25	C-1 Community Commercial District
21.26	C-2 Local Commercial District
21.28	C-3 Highway Commercial District
21.29	C-L Lake Commercial District
21.30	BP Business Park District
21.32	I-1 Light Industrial District
21.36	I-2 Heavy Industrial District
21.38	PUD Planned Unit Development
21.50	Overlay District – A-P Aquifer Protection
21.52	Overlay District – W-E Wind Energy
21.54	Overlay District – GT-1 Gateway
21.56	Overlay District – D-T Downtown
21.60	Required Yards and Open Space
21.61	Fences, Walls and Hedges
21.62	All Lots and Buildings to Front on Public or Approved Private Street
21.63	Off-Street Parking and Loading Requirements (All Districts)
21.64	Performance Standards
21.65	Outside Storage and Display Requirements for Specific Uses
21.70	Modular Home Provisions
21.71	Manufactured and Mobile Home Provisions
21.72	Microwave Antennas
21.73	21.67 Landscape and Lighting Standards
21.74	Specific Use Office Building
21.75	Bed and Breakfast
21.76	Campgrounds
21.77	Wireless Telecommunications Towers
21.78	Communal Living
21.79	Swimming Pools
21.80	Signs and Outdoor Advertising
21.81	Firework Activities
21.82	Home Occupations
21.83	Day Care, Home
21.90	Definitions
21.97	Interpretation, Abrogation and Severability
21.98	Cross References
21.99	Punishment

ORDINANCE NO. 11-17
INTRODUCED BY THE CITY PLANNING 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 Planning Commission to recommend the boundaries of the various original districts and appropriate

regulations to be enforced therein, and

WHEREAS the Planning 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 Planning 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 Planning 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 Planning 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 21.05
ESTABLISHMENT OF DISTRICTS

Section

- [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](#)

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

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-1C Compact 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
- R-S Residential Storage District
- C-1 Community Commercial District
- C-2 Local Commercial District
- C-3 Highway Service Commercial District
- C-L Lake Commercial District
- B-P Business Park District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PUD Planned Unit Development District

Source: (Ord. 20-10; Rev 5-1-2020)

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.

- A-P Aquifer Protection District
- W-E Wind Energy District
- GT-1 Gateway District
- D-T Downtown District

Source: (Ord 19-16; Rev 1-10-2020)

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, the GT-1 Gateway Overlay District Map, the Downtown 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.

Source: (Ord 19-16; Rev 1-10-2020)

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 City Manager, 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. (Ord 21-14; Rev 6-11-21)

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 City Manager 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." (Ord 21-14; Rev 6-11-21)

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 of 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

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- [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

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

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

Dwelling Type Based on Zoning Districts		Minimum Density (SF/d.u.)	Dwelling Unit/Acre	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard b., c., d.	Minimum Required Rear Yard	Maximum Overall Height a
R-1 Single Family Residential District									
Single-family		9,000	4.84	9,000	75'	25'	9'	25'	35'
Other allowable	CU	NA	NA	9,000	75'	25'	9'	25'	35'
R-1C Compact Single Family Residential District									
Single-family		4,500	9.68	4,500 g.	40'	15' h.	6'	20'	24'
Other allowable	CU	NA	NA	4,500 g.	40'	15' h.	6'	20'	24'
R-2A Single Family Attached Residential District (Closed District)									
Single-family		4,500	9.68	4,500	50'	25'	6'	25'	35'
Duplex		3,000	14.52	6,000	50'	25'	6'	25'	35'
Triplex		2,000	21.78	6,000	50'	25'	6'	25'	35'
Fourplex		2,000	21.78	8,000	50'	25'	6'	25'	35'
Other allowable	CU	NA	NA	6,000	50'	25'	6'	25'	35'
R-2 Single Family Attached Residential District									
Single-family		6,000	8.7	6,000	40'	25'	7'	25'	35'
Duplex		4,500	9.68	9,000	80'	25'	7'	25'	35'
Triplex		3,750	11.6	11,250	100'	25'	7'	25'	35'
Fourplex		3,375	12.9	13,500	120'	25'	7'	25'	35'
Other allowable uses	CU	NA	NA	9,000	80'	25'	7'	25'	35'

R-3 Multi-Family Residential District									
Single-family		6,000	7.26	6,000	60'	25'	9'	25'	35'
Duplex		3,000	14.52	6,000	80'	25'	9'	25'	35'
Triplex i.		2,500	17.42	7,500	90'	25'	9'	25'	35'
Fourplex i.		2,500	17.42	10,000	100'	25'	9'	25'	35'
5 to 8 units		1,300 e.	NA	6,500 f.	100'	30'	9'	25'	35'
9 to 12 units		1,300 e.	NA	11,700 f.	125'	30'	10'	25'	55'
Over 12 units		1,300 e.	NA	16,900 f.	150'	30'	15'	25'	55'
Other allowable	CU	NA	NA	10,000	100'	30'	9'	25'	35'
R-4 Manufactured Homes District									
Manufactured Home		5,000	NA	5,000	50'	25'	6'	15'	20'
Other allowable uses	CU	5,000	NA	5,000	50'	25'	6'	15'	20'
R-G Residential Garage District									
Residential Garages		5,000	NA	5,000	50'	25'	9'	25'	24'
Other allowable	CU	5,000	NA	5,000	50'	25'	9	25'	25'
R-S Residential Storage District									
Permitted uses		NA	NA	10,000	100'	40'	10'	15'	24'

- 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)
- Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required side yard setback.
- The required side yard will increase to ten (10) feet when the building is three (3) stories in height or more.
- 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.
- 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
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- f. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)
- g. The maximum allowable amount lot coverage shall be 55%
- h. Garage doors that open perpendicular to the right of way shall be setback twenty-five (25) feet.
- i. If a structure is regulated under the International Building Code not the International Residential Code, the regulations for 5-8 units in the R-3 Multi-Family Residential District shall apply.

2. Supplemental Provisions for Residential Lake Front Properties.

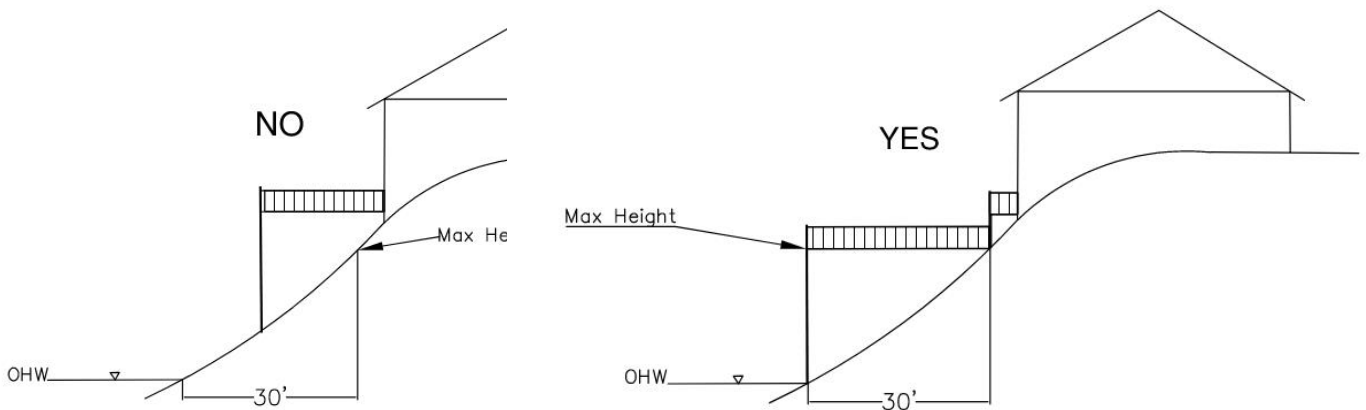
All other provisions in this chapter and the underlying zoning district apply to lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

- a. The yard adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.
- b. The yard opposite of the lakeshore shall have a fifteen (15) feet minimum setback from the lot line.
- c. Attached garages that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line. Doors that open parallel to the street shall be setback nine (9) feet from the lot line.
- d. The setbacks as required above may be modified where the setback on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply to attached garages if the garage doors are proposed to open perpendicular to the street, requiring a minimum setback of twenty (20) feet from the property line.

3. 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. Double frontage lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement. Any secondary front yard without access shall be allowed to have a fifteen (15) feet minimum front yard setback.
- c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- d. The front yard setback as required above may be modified 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 street line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe that the average depth of the structure on each side. Any existing residential structures which observe a front yard setback that is less than required, may, be expanded to the full width of the main building. **Exception:** If a garage is being proposed, in line provision does not apply if the garage door is proposed to open perpendicular to the street, then the twenty-five (25) feet front yard setback applies.
- e. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet per unit. (E-545-1) (Ord 13-14; Rev 06-28-13)

- f. 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)
- g. 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. Attached Garage Standards.
 - a. An attached garage shall be limited to three (3) garage doors/stalls per side or frontage
 - b. An attached garage shall have a maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the length of the attached garage shall not exceed 1.5 times the width and shall conform to the design of the house. (Ex. If the width is 42' the depth cannot exceed 63' however the overall size cannot exceed 2,352 SF limiting the depth to 56').
 - c. The maximum allowable attached garage size, width, and depth may be increased by 440 SF, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.
- k. Decks shall observe the same setbacks as primary structures, see Table 21.1001. Decks adjacent to Lake Kampeska and Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Residential Code. See Illustration below:



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	24'	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 and structures. No accessory use 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.
- 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 comply with the same yard requirements as the main building.
- e. Allowable number of accessory buildings not to exceed cumulative size requirements regulated under Section 21.1002 4.b. Boat houses are regulated independently under Section 21.1002 2.4.d and are not included in the total allowable number of accessory buildings.
 - (1) Lots less than or equal to 43,560 square feet in total area are allowed two (2) accessory structures as described below:
 - (a) One (1) unattached accessory structure, , and one (1) accessory structure less than or equal to two hundred (200) square feet OR;
 - (b) If a structure greater than two hundred (200) square feet does not exist on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet
 - (2) Lots greater than 43,560 square feet in total area are allowed three (3) accessory structures as described below:
 - (a) Up to two (2) accessory structures greater or equal to two hundred (200) square feet, and one (1) accessory structure less than or equal to (200) square feet OR;
 - (b) If only one structure greater than two hundred (200) square feet exists on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet.
- 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.
- g. Structures shall not be located in or over any easement.

3. Supplemental Provisions for Residential Accessory Structures on Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to residential accessory structures on lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

:

- a. Accessory structures greater than 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.
- b. Accessory structures less than or equal to 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a ten (10) feet minimum setback from the ordinary high water mark so long as proper flood-proofing measures are installed for structures within the floodplain.
- c. Accessory structures greater than 200 SF that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line adjacent to the street/right-of-way. Doors that open parallel to the street shall be setback nine (9) feet from the lot line adjacent to the street/right-of-way
- d. Accessory structures less than or equal to 200 SF shall have a nine (9) feet minimum setback from the lot line adjacent to the street/right-of-way.
- e. The setbacks as required above may be modified, where the frontage on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply if garage doors are proposed to open perpendicular to the street, requiring a setback of twenty (20) feet from the property line.

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

- a. An accessory structure permitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the lot line. A garage permitted after July 11, 2008 which is entered perpendicular to the lot line adjacent to an alley shall not be located closer than twenty (20) feet to the lot line. A garage which is entered parallel to the lot line adjacent to an alley shall not be located closer the nine (9) feet to the lot line.
- b. Accessory structures greater than two hundred (200) square feet.
 - (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 accessory structure shall be limited to maximum side wall height of twelve feet (12'); a maximum height of twenty (20') feet to the peak.
 - (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 structures for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.
 - (c) Properties that do not have the ability to construct an attached garage and do not currently have an attached garage (ex. sufficient width on side yard after setbacks) are allowed an additional 440 square feet for their detached accessory structure over two hundred (200) square feet and shall not be 50% larger than the primary structure.
- c. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
- d. Metal clad or vinyl covered canopies for permanent or temporary storage, with or without foundations are prohibited.

5. Supplemental Provisions for Allowable Miscellaneous Accessory Structures.

- a. Permanent sports or recreational structures or facilities, such as tennis courts, pergolas or terraces, swimming pools that do not require a permit according to Ch. 21.79, barbecue pits, and similar improvements that meet the minimum setback requirement of an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit
- b. Prefabricated structures (ex. Dog house, noncommercial greenhouse) that are forty (40) square feet or less may be constructed from metal, plastic, etc. and meet the minimum setback requirement for an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit
- 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. Each parcel is allowed one (1) boat house. 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.

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. Single family dwelling unit.
3. Manufactured Homes in accordance with [21.7101](#)
4. Recreational Use. (Ord 19-08; Rev 08-10-19)
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.
8. Home Occupations in accordance with Chapter 21.82.

21.1204: CONDITIONAL USES

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

1. Mining, subject to the provisions of this ordinance.
2. Veterinary Clinics (Large and/or small animal, with or without outside runs).
3. Commercial Kennels, public and private. (Ord 21-18; Rev 7-16-21)
4. Airports and airstrips.
5. Religious Institutions and/or cemeteries.
6. Animal Feedlots.
7. Sewage Treatment Plants.
8. Public and quasi-public institutions or services
9. Livestock Sales.
10. Commercial Greenhouses and nurseries.
11. Golf Course and driving range.
12. Game Propagation Areas.
14. Campground. (Ord 19-08; Rev 08-10-19)
15. Recreation Facility. (Ord 19-08; Rev 08-10-19)
16. Horticultural Services.
17. Funerary Service (Non-Human) (Ord 08-04; Rev 04-11-08)
18. Stables
19. Reception or Event Venue

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 AND PERMITTED SPECIAL USES

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

1. Single Family Residential Dwelling,, not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
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.
6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1403: CONDITIONAL USES

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

1. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
2. Religious institutions, public libraries, museums and schools.
3. Reserved.
4. Home Occupations in accordance with [Chapter 21.82](#).
5. Bed and Breakfast.
6. Licensed Daycare centers in conjunction with religious institutions.
7. 8. Golf Course. (Ord 19-08; Rev 08-10-19)
8. Community Center (Ord 19-08; Rev 08-10-19)
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.
2. Single Family Residential Dwelling, not to include manufactured homes. (Ord 04-04; Rev 03-26-04) Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
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.
6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1503: CONDITIONAL USES

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

1. Any conditional use listed in the R-1 District. (Ord. 19-08; Rev 08-10-19)
2. Communal Living (Ord 20-03; Rev 2-14-20)

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 property shall be eligible to be zoned R-1C unless it contains one (1) acre.

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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. Duplex. (Ord 04-04; Rev 03-26-04)
3. Triplex
4. Fourplex

21.1603: CONDITIONAL USES

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

1. Any conditional use listed in the R-1 District.
2. Licensed Residential Treatment or Group Homes (not to exceed four (4) persons, not including employees).
3. Neighborhood Retail Establishments.
4. Funeralary Service. (Ord 08-04; Rev 04-11-08)
5. Assisted Living Centers.
6. Communal Living. (Ord 20-03; Rev 2-14-20)
7. Fraternity/Sorority. (Ord 20-03; Rev 2-14-20)

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 Planning Commission notwithstanding any contrary provision within [Section 21.0209\(1\)](#).
2. Any decision by the Planning 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 Planning Commission. Any decision by the Planning 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

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

1. All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

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

1. 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 and R-2 Districts
2. Multi-Family Dwellings
3. Public utilities and services required by the resident population.
4. Recreational Use. (Ord 19-08; Rev 08-10-19)

21.2003: CONDITIONAL USES

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

1. Any conditional use listed in the R-1 and R-2 Districts
2. Storage Units. (Ord 04-04; Rev 03- 26-04)
3. Clubs, lodges and community centers.
4. Clinics and Hospitals.
5. Licensed residential treatment or group homes.
6. 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)

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
2. Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev. 08-10-19)
4. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Day Care, Home (See Chapter 21.83 for special use provisions)

21.2203: CONDITIONAL USES

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

1. Home Occupations in accordance with [Chapter 21.82](#).
- 2.
3. Storage Units
4. Religious Institutions (Ord 21-31; Rev 8-13-21)

21.2204: 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 property shall be eligible to be zoned R-4 unless it contains a minimum of five (5) acres.

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

21.2205: GENERAL REQUIREMENTS

1. In accordance with the provisions of Chapter 21.71 Manufactured Homes
2. Each manufactured home shall be connected with an approved sanitary sewer and water supply system.
3. Site lighting shall be provided if private streets are utilized for access. All of the requirements shall meet specifications approved by the City Engineer. (Ord 04-04; Rev 03-26-04)

- 4.
5. All manufactured homes 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 Federal Manufactured Housing Construction and Safety Standards Code and ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04) Whenever a manufactured home is moved in, a permit shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)

21.2206: MANUFACTURED HOME COURTS

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

1. 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 a license. All license shall expire on December 31 of the year in which it is issued. The annual license fee shall be established by resolution of the City Council.
2. A manufactured home court shall maintain a register of all occupants, and such other information as may be required by law.
3. Existing manufactured home courts may be expanded. The manufactured home court, existing and expansion combined, shall be required to be a minimum of five (5) acres for the R-4 zoning. Planning Commission. The expansion shall comply with all other regulations herein set forth.
4. 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.

Chapter 21.24
R-S RESIDENTIAL STORAGE DISTRICT

Section

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

21.2401	Purpose
21.2402	Permitted Uses
21.2403	Area and Bulk Requirements
21.2404	Design Standards

21.2401: PURPOSE

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

It is the purpose of the Watertown City Council and Watertown Planning Commission to establish a district which allows for storage units and storage shops on a lot adjacent to or in close proximity to residential zoning districts.

21.2402: PERMITTED USES

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

1. Storage Shops
2. Storage Units
3. Storage Facility, Indoor

21.2403: 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."](#)

21.2404: DESIGN STANDARDS

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

1. Structure

- a. Constructed in an accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- c. Maximum side wall height shall not exceed sixteen (16) feet.
- d. 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.
- e. 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.
- f. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls 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 consistent with the size, mass and scale of the wall.

2. Outside Storage Display and Screening

- a. Outdoor storage is allowed in accordance with 21.6501: Outside Storage/Parking—Residential Uses

Chapter 21.25
C-1 COMMUNITY COMMERCIAL DISTRICT

Section

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

- [21.2501 Purpose](#)
- [21.2502 Permitted Uses and Permitted Special Uses](#)
- [21.2503 Conditional Uses](#)
- [21.2504 Area and Bulk Requirements](#)

21.2501: 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.

21.2502: PERMITTED USES AND PERMITTED SPECIAL 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. Dwelling units (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)
13. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
14. Day Care Facility (Non-residential).

21.2503: 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. Bed and Breakfast 9. Apartment house or complex 10. Hotel/Motel/Inn. 11. Storage Units. 12. Contractor Shops & Storage Yards. 13. Reception or Event Venue 14. Dwelling units (over 4 units) using the upper floors of commercial buildings 15. Dwelling unit(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear. 16. 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. 17. Other uses which in the opinion of the Board of Adjustment are of the same general character. 18. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13) (Ord 17-02; Rev 03-31-17) | <ol style="list-style-type: none"> 19. Civil/Social Organizations. 20. Social Assistance. 21. Religious Institutions. 22. Theater. 23. Clinic 24. Convention Center/Banquet Facility. 25. Warehouse. 26. Recreational Use. 27. Service Station – Motor Vehicle. 28. Car Wash (automatic or semi-automatic). 29. Auto Body Repair Shops (Ord 20-46; Rev 1-15-21) 30. Recreation Facility. (Ord 19-08; Rev 08-10-19) 31. Storage Facility, Indoors |
|--|---|

21.2504: 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 and Permitted Special 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 AND PERMITTED SPECIAL USES

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

1. Retail Establishments not to exceed 15,000 SF
 2. Automobile parking lot.
 3. Bank or financial institution.
 4. Service Establishments.
 5. Public Utilities which serve the resident population. (Ord 04-04; Rev03-26-04)
 6. Office (Building).
 7. Recreational Use. (Ord. 19-04; Rev 05-31-19)
 8. Recreation Facility (Ord. 19-08; Rev 08-10-19)
 9. Religious Institutions (Ord 21-31; Rev 8-13-21)
 10. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev10-8-21)
 11. Dwelling unit(s) in the same structure as non-residential uses, provided such residential use is located above the first floor
 12. Restaurant.
 13. Day Care Facility (Non-residential).
 14. Assisted Living Center (Ord 06-31; Add 01-25-07)
- Clinic, (Ord 06-31; Add 01-25-07)

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. Apartment House or Complex.
9. Storage Units.
10. Funeralary 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)
12. Storage Facility, Indoor
13. Dwelling unit(s) in the same structure as non-residential uses.
14. Reception or Event Venue

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

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

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

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 AND PERMITTED SPECIAL 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)
13. Recreational Use. (Ord. 19-04; Rev 05-31-19)
14. Recreation Facility (Ord. 19-08; Rev 08-10-19)
15. Religious Institutions (Ord 21-31; Rev 8-13-21)
16. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
17. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
18. Day Care Facility (Non residential) Ord 18-13; Add 08-10-18)
19. Storage Facility, Indoor
20. Reception or Event Venue

21.2803: CONDITIONAL USES

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

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Car Wash (automatic or semi-automatic). 2. Theater. 3. Bar or Tavern. 4. Truck or Bus Terminal. 5. Bottling works. 6. Lumberyard. 7. Grain elevators and terminal. 8. Campground. (Ord 04-04; Rev 03-26-04). 9. Apartment House or Complex. | <ol style="list-style-type: none"> 10. Day Care Facility (Non-residential). 11. Storage units. 12. Contractor Shops & Storage Yards. 13. Light Manufacturing 14. Funerary Service. (Ord 08-04; Rev 04-11-08) 15. Funerary Service (Non-Human)(Ord 08-04; Rev 04-11-08) 16. Commercial Kennel (Ord 21-18; Rev 7-16-21) 17. Caretakers Residence (Ord. 20-36; Rev 10-30-20) 18. Auto body repair shops (Ord 20-39; Rev 1-15-21) |
|--|--|
19. 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.
 20. 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.
 21. Schools offering post secondary education. (Ord 14-38; Rev 01-10-15)
 22. Dwelling unit(s) in the same structure as non-residential uses.
 23. Wholesale establishment or warehouse in a completely enclosed building.
 24. Storage Shops

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 21.29
C-L LAKE COMMERCIAL DISTRICT

Section

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

[21.2901 Purpose](#)

[21.2902 Permitted Uses](#)

[21.2903 Conditional Uses](#)

[21.2904 Area and Bulk](#)

[Requirements 21.2905 Design](#)

[Standards](#)

[21.2906 Boundary Map for Lake](#)

[Kampeska 21.2907 Boundary Map for](#)

[Lake Pelican](#)

21.2901: PURPOSE

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

1. To establish appropriate locations within the C-L Lake Commercial Boundary Map in Section 21.2906 and 21.2907 to Lake Kampeska and Lake Pelican that are conducive to lake commercial activity.
2. To permit development of service/retail centers complimentary to lake recreation and living adjacent to Lake Kampeska and Lake Pelican as shown in the Comprehensive Land Use Plan.

Source: (Ord 20-10; Eff 5-1-2020)

21.2902: PERMITTED USES

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

1. Retail establishments.
2. Service Establishments.
3. Restaurants.
4. Recreational Use.
5. Recreation Facility.
6. Religious Institutions.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 21-31; Rev 8-13-21)

21.2903: CONDITIONAL USES

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

1. Campground.
2. Storage Shops.
3. Apartment House or Complex.
4. Dwelling unit(s) in the same structure as non-residential uses.
5. Car Wash (automatic or semi-automatic).
6. Motels and Hotels.
7. Automobile parking lot.
8. Storage Units.
9. Office (Building).
10. Bar or Tavern.
11. Transit Station.

Source: (Ord 20-10; Eff 5-1-2020)

21.2904: 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."](#)

Source: (Ord 20-10; Eff 5-1-2020)

21.2905: DESIGN STANDARDS

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

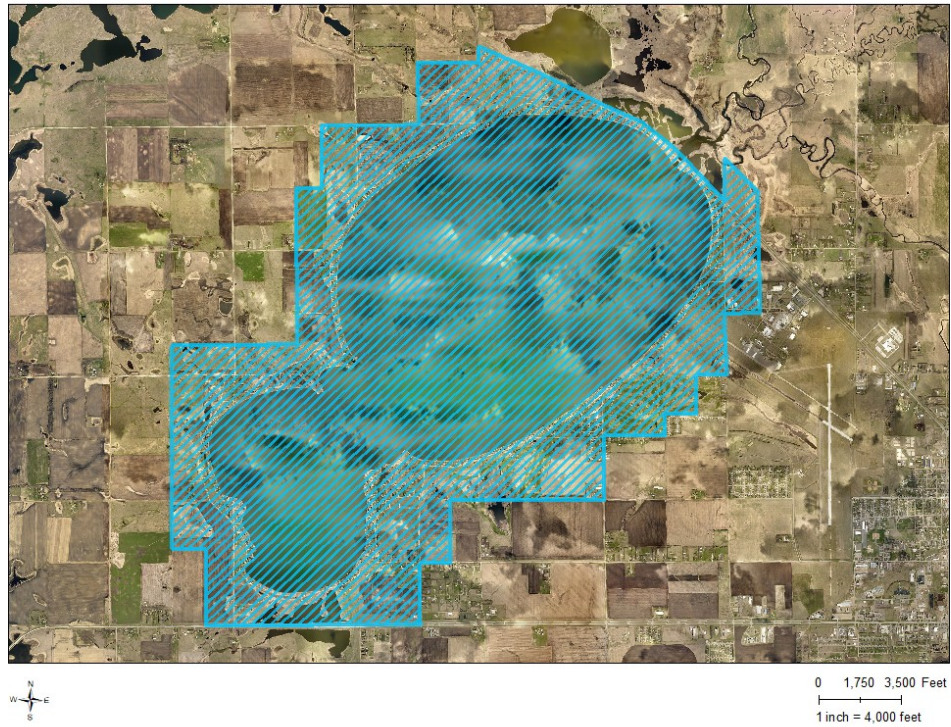
3. Structure

- a. Lot coverage shall not exceed fifty (50) percent of the total lot area.
 - b. All exterior walls facing and immediately adjacent to a property zoned R-1 Single Family Residential shall be finished with the following materials or similar faux material, or a combination of:
 - i. Face brick
 - ii. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block
 - iii. Tile (masonry, stone or clay)
 - iv. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture
 - v. Stucco or similar cement based material
 - vi. Architectural metal panels which cover a wall- i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels
 - vii. Transparent glass/spandrel glass
 - viii. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished
 - ix. Decorative block
 - x. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels are allowed if used as an accent to include not more than twenty (20) percent of said wall.
 - c. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls 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 consistent with the size, mass and scale of the wall.
4. Outside Storage Display and Screening
- a. Storage or display of items outside is limited to those items related to the nature of the business occurring within the primary structure.
 - b. Outside storage or display shall not be allowed on any regular parking spaces.
 - c. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
 - d. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty (50) percent of the trees shall be coniferous.
5. Transitional Yards
- a. Properties adjacent to Residential Zoning Districts shall maintain fifteen (15) feet of grass on the side yards to extend the entire length of the property boundaries.
 - b. Landscaping and screening devices, including fences, are allowed to be placed within the transitional yard.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 20-30; Rev 10-02-20)

21.2906: BOUNDARY MAP FOR LAKE KAMPESKA

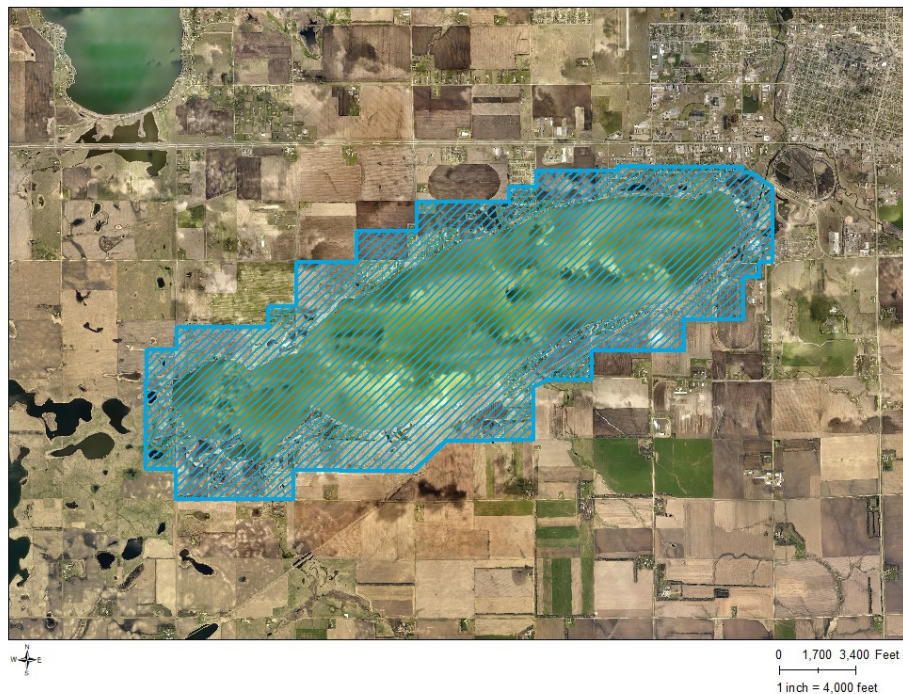
[\(back to Chapter contents\)](#)



Source: (Ord 20-10; Eff 5-1-2020)

21.2907: BOUNDARY MAP FOR LAKE PELICAN

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



Source: (Ord 20-10; Eff 5-1-2020)

Chapter 21.30 B-P BUSINESS PARK DISTRICT

Section

[21.3001 Purpose](#)

[21.3002 Permitted Uses](#)

[21.3003 Conditional Uses](#)

[21.3004 Requirements](#)

[21.3005 Prohibited Uses](#)

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

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. Recreational Use. (Ord. 19-08; Rev 08-10-19)
12. Recreational Facility (Ord. 19-08; Rev 08-10-19)
13. Schools offering post-secondary education. (Ord 13-35; Rev 01-10-13)
14. Religious Institutions (Ord 21-31; Rev 8-13-21)
15. Day Care Facility (Non-residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)

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;

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 and Permitted Special 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 AND PERMITTED SPECIAL USES

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

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Agricultural (crop production or pasture). 2. Motor vehicle sales and/or repair.
(Ord 12-18; Rev 06-15-12) 3. Welding shops. (Ord 04-04; Rev 03-26-04) 4. Lumberyards. 5. Offices. (Ord 04-04; Rev 03-26-04) 6. Highway/street maintenance shops/yards. 7. Mail order houses. 8. Milk/soft drink bottling plant
(with no limit of employees). 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) 22. Medical Cannabis Cultivation Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21) 23. Medical Cannabis Testing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21) 24. Medical Cannabis Product Manufacturing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21) 25. Storage Shops 26. Storage Facility, Indoor | <ol style="list-style-type: none"> 10. Oil stations/auto cleaning establishments. 11. Public and private utilities uses. 12. Truck terminals and freight warehouses. 13. Contractor Shops & Storage Yards. 14. Storage Units. 15. Warehouse. 16. Veterinary Clinic (large and/or small animal,
with or without outside runs).
(Ord 19-17; Rev 1-10-2020; removed “Caretakers
Residence”) 17. Auto body repair shops (Ord 20-40; Rev 1-15-21) |
|---|--|

21.3203: CONDITIONAL USES

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

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. Recreation Facility open to the public, fourteen (14) years of age and older. (Ord. 19-08; Rev 08-10-19)
6. Day Care Facility (Non-residential) (Ord 18-13; Add 08-10-18)
7. Caretakers Residence (Ord. 19-17; Rev. 1-10-2020)
8. Warehousing and sales of Class 1.4G Fireworks as regulated by the Code of Federal Regulations, the Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord. 20-05; Rev 2-28-20)
9. Commercial Kennel (Ord 21-18; Rev 7-16-21)
10. Religious Institutions (Ord 21-31; Rev 8-13-21)
11. Stables
12. Day Care Facility (Non-residential) mixed with non-residential uses in the same building

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 and Permitted Special 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 AND PERMITTED SPECIAL USES

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

Any permitted or permitted special use in the I-1 District. (Ord 21-36; Rev 10-8-21)

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 tarasphalt.
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. Funeralary Service. (Ord 08-04; Rev 04-11-08)
18. Funeralary 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.

20. Warehousing, packaging, and sales of Class 1.3G and Class 1.4G Fireworks as regulated by the Code of Federal Regulations, Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord 20-05; Rev 2-28-20)

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 Amendments to PUD Plan](#)
- [21.3805 Applicability of Subdivision Regulations](#)

21.3801: PURPOSE

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

To permit great flexibility in the use(s) 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.

(Ord. 20-01; Rev 2-14-20)

21.3802: APPLICATION AND MODIFICATION POWERS

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

A PUD district may be approved when the applicant demonstrates to the satisfaction of the Design Review Team and Planning Commission that the proposed PUD Plan will result in a greater benefit to the City than would a development under conventional zoning district regulations. Site proposed for PUD district must be at least or exceed three (3) acres. In acting upon the application, the City may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping requirements and density 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.

(Ord. 20-01; Rev 2-14-20)

21.3803: PROCEDURE

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

The following procedural and informational requirements shall be followed for Planned Unit Development application:

1. **Staff Review:** Applicant shall meet with the Design Review Team (DRT) on an informal basis at its regular meeting to relate his/her intent. The DRT will evaluate the consistency of the applicant's intent with the comprehensive land use plan. The DRT shall review materials presented, discuss the plan proposal, suggest alternatives as necessary, and authorize the applicant to prepare a PUD Plan.
2. **PUD Plan:**
 - a. Applicant shall prepare the following supportive graphic and written information materials as follows:
 - (1) Property description and acreage, identification of owner and developer.
 - (2) Existing conditions, area relationships, relationship to comprehensive land use plan, existing land use, transportation, zoning, etc.
 - (3) Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.
 - (4) Proposed land use areas, acreages, maximum number of units, maximum building height and densities, building setbacks, circulation, parking, streets, open space, recreational areas, and development staging.
 - (5) Information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.
 - (6) 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.
 - b. The PUD Plan shall be submitted to staff to review for completeness. If complete, the PUD plan shall be an exhibit to the rezone petition and shall be approved in accordance with SDCL 11-4-4.

- c. 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.
- d. Notice shall be given to landowners within 250 feet of the property boundaries by certified mail of the applicant's request. The certified letter shall give the details of the applicant's PUD rezone request, include the proposed PUD plan, and state the date and time of Planning Commission meeting when action will be taken.
- e. The Planning Commission may impose other conditions as necessary to recommend to the City Council. The Planning Commission shall recite the reasons and findings of fact if the application is denied.
- f. Planning Commission will recommend the rezone petition to the City Council who will take final action on the request.

(Ord 04-04; Rev 03-26-04) (Ord. 20-01; Rev 2-14-20)

21.3804: AMENDMENTS TO PUD PLAN

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

Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, easements, or lot and block numbers and shall not require an updated PUD Plan for approval following the procedures in this chapter. Major changes to an approved PUD Plan shall follow the procedures for approval of a PUD Plan as required in this chapter. Major changes shall include a change in major street pattern, drainage way, detention pond location, public open space location, right-of-way widths, land use, maximum building height and densities, perimeter boundaries, etc.

(Ord 20-01; Rev 2-14-20)

21.3805: APPLICABILITY OF SUBDIVISION REGULATIONS

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

All sections of Title 24 Subdivision of Land must be complied with in accordance to the approved PUD plan prior to building permit issuance.

(Ord. 20-01; Rev 2-14-20)

21.3806: REPEALED (Ord 20-01; Rev 2-14-20)

Chapter 21.50
A-P 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 Planning 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 sewersystem.
 - 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
W-E 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 Planning 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 windstorms.
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
21.5402	Establishment/Delineation/Regulation
21.5403	Applicability
21.5404	Gateway Overlay District Use Regulations
21.5405	Setbacks
21.5406	Transportation Corridor Access Regulations
21.5407	Parking and Loading
21.5408	Sidewalk/Recreational Trail
21.5409	Landscaping
21.5410	Interior Landscaping Requirements
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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 Planning 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](#). Any property zoned BP Business Park District shall also be overlaid by the GT-1 Gateway Overlay District. 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 Planning 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.
 - a. The same as underlying zoning district.
 - b. Apartments in the same structure, with other non-residential uses, provided such residential use is located above the first floor. 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)

2. Conditional Uses in the GT-1 Gateway Overlay District.
 - a. The same as underlying zoning district.

21.5405: SETBACKS

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

Minimum required front, side and rear yard setbacks shall be as required in the underlying district. The front yard setback is in accordance with the requirements illustrated in the following tables for applicable streets. The percentage of front yard setback used as gross parking area shall not apply to lots that are less than 40,000 SF.

Exception: The Administrative 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 fifty (50) feet from an intersection measured from the curblin 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 Administrative Official 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.
 - 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 Administrative Official as necessary to prevent damage from vehicles.
3. The City encourages preservation of existing trees on a site which are in good condition. 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	5'
Industrial	Commercial	5'
Industrial	Residential	20'
Commercial	Industrial	5'
Commercial	Commercial	5'
Commercial	Residential	15'

3. Transitional yards shall extend the entire length of each respective property boundary. Exception: Access driveways between interior lot lines may be located in transitional yards. Access driveways shall conform to Table 5.1 of the Engineering Design Standards.
4. Transitional yards shall be planted and maintained as grass. Fences or other screening devices may be located within the required transitional yard.
5. Landscaping and trees located in transitional yards may be included in the total landscaped area described in Section 21.5410.
6. Fences or other screening devices may be located within transitional yards.
7. Approved Post Construction Stormwater Management Facilities may be located in transitional yards to meet all or portions of the Post Construction Stormwater Management requirements.

Source: (Ord 22-19; Rev 7-29-22)

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 Administrative 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 Planning 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

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 unless city identification/welcome signage in accordance with 21.8028 (l)
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

- Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
- 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:

- Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
- Outside storage or display shall not be allowed on any required parking spaces.
- Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
- 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

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

- No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
- 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 21.56
D-T DOWNTOWN OVERLAY DISTRICT

Section

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

21.5601	Purpose and Intent
21.5602	Establishment/Delineation/Regulation
21.5603	Applicability
21.5604	DT Overlay District Use Regulations
21.5605	Setbacks
21.5606	Reserved
21.5607	Transparency
21.5608	Doors and Entrances
21.5609	Lighting
21.5610	Signage
21.5611	Building Materials
21.5612	Building Construction
21.5613	DT Downtown Overlay District Map

21.5601: PURPOSE AND INTENT

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

It is the purpose and intent of the Watertown City Council and Watertown Planning Commission to establish a Downtown Overlay District (D-T) to:

1. Promote development of a compact, pedestrian oriented downtown consisting of high-intensity employment center, vibrant and dynamic mixed use area, and residential living environments that provide a broad range of housing types for an array of housing needs;
2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents;
3. Encourage pedestrian-oriented development within walking distance;
4. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
5. Enhance the community's character through the promotion of high-quality urban design and historical preservation.

(Ord 19-09; Eff. 11-1-19)

21.5602: ESTABLISHMENT/DELINEATION/REGULATION

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

Boundaries for the D-T Downtown Overlay District shall include the property within the City Limits of Watertown, South Dakota as referenced in Section 21.5613.

(Ord 19-09; Eff. 11-1-19)

21.5603: APPLICABILITY

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

1. The provisions of this chapter shall apply to any project on a lot or parcel in the D-T Downtown Overlay District as described herein.
2. Where the provisions of Chapter 21.56 conflict with other provisions of this title, the provisions of Chapter 21.56 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.56 shall be regulated as defined elsewhere in this title.
4. The D-T Downtown Overlay District regulations shall only be applicable to new construction and substantial improvement permitted after the effective day of this ordinance, November 1st, 2019.

(Ord 19-09; Eff. 11-1-19)

21.5604: DT OVERLAY DISTRICT USE REGULATIONS

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

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

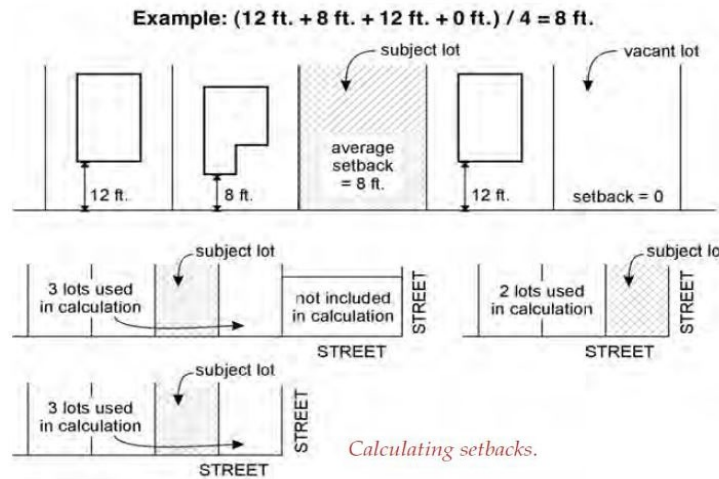
1. Permitted Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.
2. Conditional Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.

(Ord 19-09; Eff. 11-1-19)

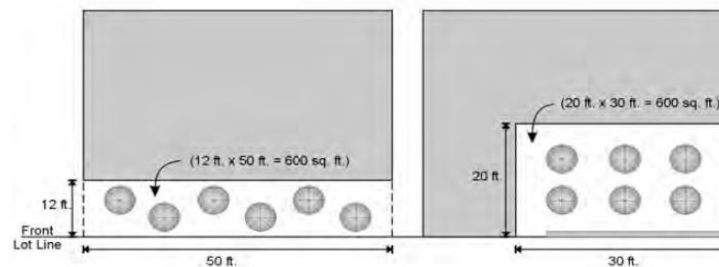
21.5605: SETBACKS

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

1. Minimum required front, side and rear yard setbacks shall be as required in the underlying district.
2. The maximum front yard setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant lots will be deemed to have a yard depth of zero feet.
 - b. Lots fronting a different street than the subject lot or separated from the subject lot by street or alley may not be used in computing the average.
 - c. When the subject lot is a corner lot, the average setbacks will be computed on the basis of the two adjacent lots that front on the same street as the subject lot
 - d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
3. The following exceptions to the maximum front yard setbacks apply:
 - a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of the building frontage.
 - b. A building may be set back farther than the maximum setback in order to accommodate an outdoor area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front yard property line, or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.



Exceptions to minimum front and streetside setbacks.



(Ord 19-09; Eff. 11-1-19)

21.5606: RESERVED (Ord 19-09; Eff. 11-1-19)

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

21.5607: TRANSPARENCY

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

1. A minimum of fifty (50) percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.
2. The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph one (1) above may not be more than four (4) feet above adjacent sidewalk.
3. Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(Ord 19-09; Eff. 11-1-19)

21.5608: DOORS AND ENTRANCES

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

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(Ord 19-09; Eff. 11-1-19)

21.5609: 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.

(Ord 19-09; Eff. 11-1-19)

21.5610: SIGNAGE

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

Signage shall be as required in the underlying district.

(Ord 19-09; Eff. 11-1-19)

21.5611: BUILDING MATERIALS

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

The following building material requirements shall be applied to encourage the use of high-quality compatible materials to upgrade the visual qualities of Downtown Watertown while maintaining the character of the historic architecture and aesthetics through the following design guidelines:

1. Retain existing facades in the Downtown District
2. Maintain and restore existing facades, trim, cornices or replace with similar replications.
3. Encouraged materials:
 - a. Decorative masonry
 - b. Granite
 - c. Brick
 - d. Glass
 - e. Stone
4. Prohibited materials:
 - a. Metal unless used as an accent not to exceed fifteen (15) percent of any wall.
 - b. Use of lap or shingle siding
 - c. Stucco or synthetic stuccos below eight (8) feet
 - d. Plywood

(Ord 19-09; Eff. 11-1-19)

21.5612: BUILDING CONSTRUCTION

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

1. When obtaining a permit for new construction, building alteration, or demolition within the D-T Downtown Overlay District the applicant shall submit, to the Building Official, the following:
 - a. A clear statement of the proposed work, to include such matters as colors, materials, landscaping, and signs.
 - b. Plans showing the size, height, and completed appearance of the proposed work.
 - c. A site plan showing all existing and adjacent buildings and structures and the proposed work.
2. In order to preserve the integrity of the D-T Downtown Overlay District, if any similar material not approved by the Administrative Official which meets the purpose to maintain and preserve the historic architecture and aesthetics, the application shall be submitted and approved by the Planning Commission who shall consider the following factors:
 - a. Adverse impacts to the integrity of the property or structures to be minimized.
 - b. Changes to the defining characteristic of the building or site shall be minimized.
 - c. Removal of historic materials and features of the building or site shall be avoided.
 - d. Historic materials shall be retained where possible; where not feasible, compatible materials shall be encouraged.
 - e. The proposed work shall be compatible with the property or structure itself, as well as to the surrounding neighborhood or district. Consideration shall be given to exterior design, site layout, proportion, detail, scale, color, texture, and materials.

3. 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 19-09; Eff. 11-1-19)

21.5613: D-T DOWNTOWN OVERLAY DISTRICT MAP

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

The D-T Downtown Overlay District Map is hereby adopted in reference as part of these regulations as if the map was fully described herein.



(Ord 19-09; Eff. 11-1-19)

Chapter 21.70
MODULAR HOME PROVISIONS

Section

[21.7101](#) [Modular Home Provisions](#)

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

21.7001: MODULAR HOME PROVISIONS

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

A modular home shall meet the following regulations:

1. When moved into or through city limits, a moving permit shall be required.
2. Modular homes shall meet or exceed International Code Council or jurisdictional standards.
3. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
4. Modular homes shall have more than eight hundred (800) square feet of living quarters, not to include attached or detached garages.
5. Modular homes shall be placed on a permanent foundation approved by the Building Official.
6. Modular homes shall have a minimum of a 3/12 roof pitch.
7. Siding and roofing material of a type similar to that allowed in a residential district as approved by the Building Official.
8. Modular homes shall have local inspections at the time of building permit issuance.
9. Modular homes moved into city limits shall submit reports of building inspections provided by manufacturer or licensed third party agent at the time of permit application

Chapter 21.71
MANUFACTURED HOME PROVISIONS

Section

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

[21.7101 Manufactured Home Provisions](#)

[21.7102 Manufactured Installation Standards](#)

21.7101: MANUFACTURED HOME PROVISIONS

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

1. Manufactured homes shall meet the following requirements:
 - a. Have more than 320 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. 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](#).
 - h. Siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
 - i. All manufactured homes shall bear the HUD (Housing Urban Development standards post 1974) seal

21.7102: MANUFACTURED HOME INSTALLATION STANDARDS

1. **Placement permit required.** No manufactured home shall be installed or reinstalled without first obtaining a permit from the Building Official. A separate permit shall be required for each installation or reinstallation. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation or reinstallation.
2. **Inspections required.** The following inspections shall be required: Anchorage/foundation inspection and final inspection. 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** 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 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
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.
6. **Replacement of Nonconforming Homes.** Upon application and subsequent approval thereof, a manufactured home, deemed a legal nonconforming use, may be replaced by a manufactured home, provided the replacement is in compliance with current ordinance requirements.

Chapter 21.83

Day Care, Home

Section

21.8301	Approval Required
21.8302	Special Use Provisions

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

21.8301: APPROVAL REQUIRED

1. Day care, Homes shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met to be approved administratively. If the special use provisions are not met, a conditional use is required to be applied for and granted by the Board of Adjustment.
2. Day Care, Homes, registered or unregistered through the SDCL 26-6-14.1 and 26-6-14.8. may not provide care for more than twelve (12) children at any one-time including children under six living in the home.
3. The provider shall reside at the dwelling the day care, home is located. Day Care, Homes are allowed to have employee(s) at the dwelling.
4. No Day Care, Home may be located or operate in the city without the appropriate valid administrative approval from City staff or conditional use granted by the Board of Adjustment pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter 21.99. Each day of the violation constitutes a separate offense.

21.8302: SPECIAL USE PROVISIONS

Day Care, Homes within residential districts shall not impact the neighboring properties and shall comply with all of the following conditions:

1. 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.
2. A four-foot (4') privacy fence with less than ten (10) percent transparency or vegetative buffers four feet (4') in height shall be installed around outdoor recreation space to screen from adjacent residential properties. During winter months where fences or vegetation are unable to be installed an extension may be granted up to six (6) months.
3. Provide 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. Employee(s) shall be provided with an off-street parking location.

Chapter 21.90
DEFINITIONS

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

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 Structure: a detached building which is located on the same lot as the primary building and the use of which is clearly incidental to the use of the primary building.

Accessory Use: (See Use - Accessory)

Administrative Official: the Community Development Manager or such other designated officials as authorized by the Public Works Director.

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 Body Repair Shops: facilities that provide bodywork and collision repair services, including body frame straightening, replacement of damaged parts, paintwork repairs, and spray paint operations for trailers and motor vehicles. (Ord 20-41; Rev 1-15-21)

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. (Ord 21-17; Rev 7-16-21)

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 Administrative Official who reports to the Community Development Manager

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 or cabins 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.

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.

Car Wash: A place or building where vehicles or equipment are cleaned (Ord. 20-10; Rev. 5-1-2020)

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; Rev 1-25-07)

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.

Communal Living: A building or place, other than a fraternity or sorority house, where a group of four or more persons, but no more than six persons, not related by blood or law living together and maintaining a common dwelling unit. (Ord 20-03; Rev 2-14-20)

Commercial Kennel: any premises, or portion thereof, where dogs or cats over four (4) months of age are boarded, raised, bred, or cared for (non-veterinary) in return for remuneration, or are offered for sale, or are kept for the purpose of sale. (Ord 21-18; Rev 7-16-21)

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)

Community Development Manager: an Administrative Official who reports to the Public Works Director.

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.

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: A dwelling, occupied as a residence by the care provider, in which family-like care is given. All provisions of Chapter 21.83 must be met for the use to be permitted in designated districts.

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.

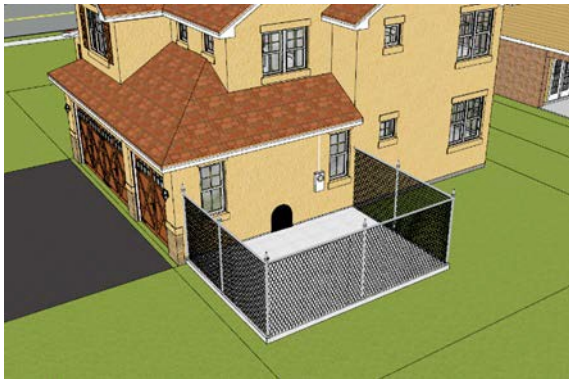
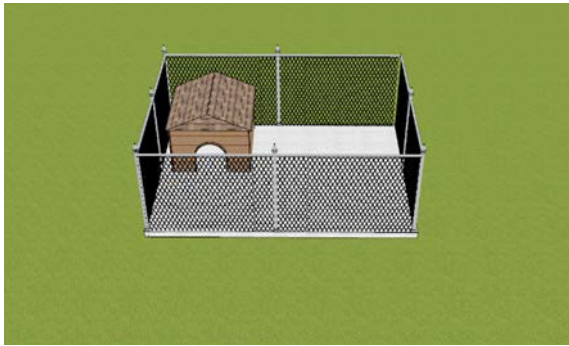
Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the Planning Commission or its designee. (Ord 06-31; Add 01-25-07)

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.

Dog Enclosure: An attached or detached outdoor structure intended for the exercising, containment, and/or sheltering of a dog or dogs. Not to include a fence constructed on the perimeter of the property. (Ord 21-18; Rev 7-16-21)



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. **Multi-Family:** a residential building containing four (4) or more dwelling units
 - a. **Apartment House:** a residential building designed for or occupied by four (4) or more dwelling units.
 - b. **Rowhousing:** Four (4) or more single family dwelling units, attached in a row, each having a separate entrance and is joined by an unpierced common wall, extending from the basement floor to the roof, on one or both sides.
 - c. **Townhouse:** A group or row of three (4) or more single family dwelling units designed and built as a single structure in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more vertical common fire-resistant walls and property lines. Each dwelling required to be subdivided as individual lots following development.
 - d. **Apartment Complex:** conforming site consisting of multiple dwelling units within multiple buildings.
 - e. **Dwelling Groups:** A group of two or more single family, single family attached, or multi-family dwellings occupying a parcel of land in one ownership and having a yard or court in common, not to include motels/hotels
2. **Single Family Attached:** a building consisting of not more than four (4) dwelling units which are attached by common vertical walls and each unit having a separate or combined entrance or entrances.
 - a. **Duplex:** A building containing two dwelling units totally separated from each other for occupancy of two separate dwelling units located on a single lot.
 - b. **Triplex:** Three (3) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.
 - c. **Fourplex:** Four (4) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.
3. **Single-Family:** a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

Dwelling Unit (d.u.): a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation

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

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 displayscreen 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.

Fraternity/Sorority: A building that is intended or designed to be occupied as a residence for a group of more than five members and recognized as a chartered chapter by a national or international organization or society. (Ord 20-03; Rev 2-14-20)

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. If a lot has double frontage, each front shall meet the minimum lot frontage requirement.

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.

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 as the primary residence. (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.

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 of 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.

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.

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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 (HUD).

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.

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: Modular home or modular structure means a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL §32-7A-1 or a recreational vehicle

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.

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 (Billboard): A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises Sign: A sign which directs attention to a business or professional conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located. On-premise signs may also advertise logos or names of sponsors that support an event located on the site the sign is located.

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)

Reception or Event Venue: Site used for the arrangement of scheduled private or public events such as weddings, reunions, festivals, etc.

Recreation Facility 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. (Ord 18-13; Rev 08-10-18)

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 or passive activities and open to the public (public parks, playgrounds, etc.) (Ord 19-08; Rev 08-10-19)

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 situated outdoors or visible from the outdoors, that is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, commodity, product, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, athletic scoreboards or the official announcements or signs of government.

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.

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)

Stables. Any premises or part thereon where horses or any equine animals are maintained, boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale.

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 Shops: A building(s) for personal use only as a storage facility. Each structure is allowed to have water and sewer utilities. Commercial uses and living quarters are prohibited. (Ord. 20-10; Rev 5-1-2020)

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.

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.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (E-592-1)

Substantial improvement: any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which

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are the minimum necessary to assure safe living conditions, or;

2. Any alteration of a "historic structure" (E-592-1) provided that the alteration will not preclude the structure's designation as a "historic structure."

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.

Swimming pool: is a receptacle for water, or an artificial pool for water having a depth at any point of more than three feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment. (Ord 05-05; Rev 05-02-05)

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.

Transit Station: An area or building used for the transporting of people or goods by vehicle from one place to another. (Ord 20-10; Rev 5-1-2020)

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.

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.

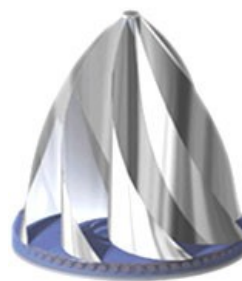
Variance: a modification or relief from the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be permitted.

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:



TITLE 21



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 one-dimensional sign placed against a structure, fence or wall.

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)

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)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-24 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor