

**ARTICLE 1.00
TITLE AND PURPOSE**

SECTIONS: 1.01 Title
 1.02 Purpose

1.01 TITLE. These regulations shall be referred to as the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. *(amended by MC30-04-03)*

1.02 PURPOSE. These regulations have been based upon the Sioux Falls Year 2015 Comprehensive Development Plan adopted by the Board of County Commissioners on August 19, 1996 and the City Council on December 12, 1996, and are in conformance with Chapters 11-2, 11-4 and 11-6 of the South Dakota Compiled Laws. These regulations shall establish a common working relationship between the City of Sioux Falls and Minnehaha County to carry out the goals and objectives of the plan as adopted by the city and county, but especially 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 or scattering of population; and to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses by zoning land outside the corporate boundaries of the City of Sioux Falls but not to exceed three miles from said corporate limits.

**ARTICLE 2.00
DISTRICTS AND BOUNDARIES**

(amended by MC30-04-03)

- SECTIONS: 2.01 Boundaries of Joint Jurisdiction
2.02 Districts Designated
2.03 Incorporated by Reference
2.04 Boundaries of Districts; Maps
2.05 Rules Where Uncertainty as to Boundaries Arises
2.06 Vacation of Streets and Roads
2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction

2.01 BOUNDARIES OF JOINT JURISDICTION.

- (a) The land within the joint zoning jurisdiction shall be contained within the following boundaries: Beginning at the S-1/4 corner of Section 32-T101N-R50W, thence north to the center of said Section 32, thence west to the W-1/4 corner of said Section 32, then north to the W-1/4 corner of Section 29-T101N-R50W, thence east to the center of said Section 29, thence north to the N-1/4 corner of Section 17-T101N-R50W, thence east to the NE corner of said Section 17, thence north to the W-1/4 corner of Section 9-T101N-R50W, thence east to the center of said Section 9, thence north to the N-1/4 corner of Section 4-T101N-R50W, thence east to the NE corner of said Section 4 and the SW corner of Section 34-T102N-R50W, thence north to the NW corner of said Section 34, thence east to the N-1/4 corner of said Section 34, thence north to the N-1/4 corner of Section 27-T102-N-R50W, thence east to the S-1/4 corner of Section 23-T102N-R50W, thence north to the center of said Section 23, thence east to the center of Section 24-T102N-R50W, thence north to the N-1/4 corner of said Section 24, thence east to the NE corner of said Section 24 and the SW corner of Section 18-T102N-R49W, thence north to the W-1/4 corner of said Section 18, thence east to the center of said Section 18, thence north to the N- 1/4 corner of said Section 18, thence east to the S-1/4 corner of Section 9-T102N-R49W, thence north to the center of said Section 9, thence east to the center of Section 10-T102N-R49W, thence south to the S-1/4 corner of said Section 10, thence east to the NE corner of Section 14-T102N-R49W, thence south to the E-1/4 corner of said Section 14, thence east to the E-1/4 corner of Section 13, T102N-R49W and the W-1/4 corner of Section 18-T102N-R48W and continuing east to the center of said Section 18, thence south to the S-1/4 corner of said Section 18, thence east to the N-1/4 corner of Section 20-T102N-R48W, thence south to the N-1/4 corner of Section 29-T101N-R48W, thence east to the NE corner of Section 29-T101N-R48W, thence south to the SE corner of Section 29-T101N-R48W, thence west to the S-1/4 corner of said Section 29, thence south to the center of Section 32-T101N-R48W, thence west to the W-1/4 corner of said Section 32, thence south to the SW corner of said Section 32, thence west along the county line to the point of beginning.
- (b) Before any territory may come under the jurisdiction of these regulations, the boundary of

the joint jurisdiction shall be amended by ordinance adopted by the County Commission and City Council in compliance with South Dakota Compiled Laws.

2.02 DISTRICTS DESIGNATED. In order to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of the yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; the joint zoning jurisdiction is hereby divided into the following districts:

A-1	Agricultural	C	Commercial
RR	Rural Residential	I-1	Light Industrial
RS-1	Residential	I-2	General Industrial
RS-2	Residential	RC	Recreation/Conservation
RD	Residential	PD	Planned Development
RA-1	Residential		

The following districts shall be designated as zoning overlay districts, imposing special regulations on the properties that fall within these overlay districts without abrogating the requirements imposed by the underlying land use district regulations:

WS Water Source Protection

2.03 INCORPORATED BY REFERENCE. The following are hereby adopted and incorporated by reference:

- (a) The official zoning map(s) of the area of joint jurisdiction, together with all the explanatory matter thereon and attached thereto, is hereby adopted by reference and is declared to be a part of these regulations. The maps shall be signed by the Chairman of the Board of County Commissioners and the Mayor and filed with the County Auditor and City Clerk.
- (b) The Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of these regulations. Areas shown as Zone A, AO or A1- A30 on the F.I.R.M. but which are zoned A-1 Agricultural on the zoning map shall be governed by the provisions of the RC Recreation/Conservation District.
- (c) The approved plans submitted in conjunction with any Planned Development are hereby adopted by reference and declared to be a part of these regulations.

2.04 BOUNDARIES OF DISTRICTS; MAPS. The boundaries of the districts are shown upon the maps which have been made a part hereof by reference. That part of the maps designating the different districts and their boundaries and that part of the legend designating the symbols for each district shall have the same force and effect as if they were all fully set forth herein. Other notations and references thereon are for information only.

2.05 RULES WHERE UNCERTAINTY AS TO BOUNDARIES ARISES. Where uncertainty exists with respect to the boundaries of the various districts shown on the district map accompanying and made a part of these regulations by reference, the following rules apply:

- (a) The district boundaries are roads unless otherwise shown, and where the districts are bounded approximately by roads, the road shall be construed to be the boundary of the district.
- (b) Where the property has been or may hereafter be divided into blocks and platted lots, the district boundary shall be construed to coincide with the nearest platted lot lines; and where the districts are bounded approximately by platted lot lines, the platted lot lines shall be construed be the boundary of the district, unless the boundaries are otherwise indicated on the maps by legal description.
- (c) In unplatted property, the district boundary lines shall be determined by use of the scale appearing on the map, unless the boundaries are otherwise indicated on the maps by legal description.

2.06 VACATION OF STREETS AND ROADS. Whenever any street, road or other public way is vacated, the zoning district adjoining each side of such street, road, or other public way is extended to the center of such vacation; and all area included in the vacation shall then an henceforth be subject to the appropriate regulations of the extended districts.

2.07 CLASSIFICATION OF LAND COMING WITHIN THE JOINT ZONING JURISDICTION. In all territories which may hereafter come within the joint zoning jurisdiction, the zoning districts as they exist in the Zoning Ordinance for Minnehaha County shall be continued unless otherwise changed by ordinance.

**ARTICLE 3.00
A-1 AGRICULTURAL DISTRICT**

- SECTIONS: 3.01 Intent
3.02 Permissive Uses
3.03 Permitted Special Uses
3.04 Conditional Uses
3.05 Accessory Uses
3.06 Parking Regulations
3.07 Sign Regulations
3.08 Density, Area, Yard and Height Regulations

3.01 INTENT. It shall be the intent of this district to provide for a vigorous agricultural industry by preserving for agricultural production those prime agricultural lands beyond the area of planned urban development. It is recognized that because of the nature of both agricultural activities and residential subdivisions, that these two uses are generally poor neighbors and therefore the concentration of housing in the A-1 Agricultural District shall be discouraged.

3.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District:

- (a) Agriculture. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
- 1) The parcel(s) consists of not less than forty (40) acres of unplatted land.
 - 2) The property's principal use is devoted to agriculture. *(amended by MC30-14-16 11/19/06)*
- (b) A single-family dwelling if the following provisions for building eligibility are met:
- (1) Each quarter-quarter section shall have one building eligibility when all the following conditions are met: *(amended by MC30-05-04 3/15/04)*
- a) There are no other dwellings on the quarter-quarter section.
 - b) The building site shall be a minimum of one acre.
 - c) Approval has been granted by the appropriate governing entity for access onto a public road.
 - d) The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - e) Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: **“RIGHT TO FARM NOTICE COVENANT**

You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be

subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Minnehaha County and Sioux Falls Planning Commissions.” *(amended by MC30-22-06 5/5/06)*

- (e) Historical sites.
- (f) Church.
- (g) Neighborhood utilities.
- (h) Antenna support structure.

3.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District in conformance with the conditions prescribed herein, or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) A building eligibility may be used within a farmstead provided:
 - (1) The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
 - (2) There will be no more than two dwellings within the farmstead.
 - (3) The residential structure may be a single-family dwelling, manufactured home or mobile home.
- (b) Cemetery subject to: said cemetery shall contain an area of 20 acres or more or be an expansion of an existing cemetery.

- (c) Pet cemetery subject to a minimum area of two acres.
- (d) Wind energy conversion system in conformance with Article 15.03.
- (e) Off-premise signs in conformance with Article 17A.00.
- (f) [Reserved.]
- (g) Greenhouses and nurseries provided there is no retail sale of products conducted on the premises.
- (h) A single-family dwelling located on a lot of record in accordance with the following:
(amended by MC30-05-04 3/15/04)
 - (1) A lot of record consisting of less than 80 acres and containing no other dwellings shall have one building eligibility.
 - (2) A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
 - a) The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
 - b) If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
 - (3) Approval has been granted by the appropriate governing entity for access onto a public road.
 - (4) Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.
- (i) Telecommunications tower, subject to:
 - (1) A minimum distance of 300' from the telecommunications tower to any residential zoning district, existing residential use except a farmstead, or future residential area designated on the adopted Land Use Plan, measured from the base of the telecommunications tower to the property line.
 - (2) A minimum distance of 2 mile between telecommunications towers measured from the base of one telecommunications tower to the base of another.
 - (3) Stealth design approved by the County Planning Director.

3.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use permit has been obtained in conformance with the requirements of Article 19.00:

- (a) Rock, sand and gravel extraction in conformance with Article 15.14.

- (b) Mineral exploration in conformance with Article 15.05.
- (c) Airport/heliport.
- (d) A single-family dwelling on a parcel which is not a lot of record provided:
 - (1) The deed to the land or the agreement to convey the parcel was recorded with the Register of Deeds prior to September 27, 1988.
 - (2) There are no other dwellings located on the parcel, except a parcel of 80 acres or more shall have building eligibility determined as follows:
 - a) The acreage of the parcel shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings on the parcel shall represent the building eligibility.
 - b) Each building site shall consist of a minimum of one acre.
 - (3) The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - (4) The soil conditions are acceptable for a building site.
 - (5) Approval has been granted by the appropriate governing entity for access onto a public road.
- (e) Group day care.
- (f) Private campground.
- (g) Garden center.
- (h) Kennel.
- (i) Stable.
- (j) Produce Stand exceeding 400 square feet in area. *(amended 8-17-09 by MC30-02)*
- (k) Fireworks sales provided the length of sales does not exceed nine (9) days.
- (l) Golf course, golf driving range.
- (m) Recreation facility. *(amended 8-17-09 by MC30-02)*
- (n) Trap shoot, rifle range, pistol range.
- (o) Sanitary landfill, solid waste transfer station, rubble dump, commercial compost site.
- (p) Livestock sales barn.
- (q) Concentrated animal feeding operation.

- (r) Electrical substation.
- (s) Public utility facility.
- (t) Agriculturally related operations involving the handling, storage and shipping of farm products.
- (u) The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC30-05-04 3/15/04)*
 - (1) The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this ordinance same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel. *(MC30-13-06 7/17/06)*
 - (2) Suitability as a building site based on the following factors:
 - a) Agricultural productivity of the soil.
 - b) Soil limitations.
 - c) Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
 - (3) The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.
 - (4) The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.
 - (5) Approval has been granted by the appropriate governing entity for access onto a public road.
- (v) Public facility owned and operated by a governmental entity.
- (w) Bed and breakfast establishment.
- (x) Broadcast tower.
- (y) Farmer's Market. *(amended by MC30-05-04 3/15/04)*
- (z) Solar energy conversion system in conformance with Article 15.09. *(amended by MC30-34-14 7/28/14)*

3.05 ACCESSORY USES. Accessory uses and buildings permitted in the A-1 Agricultural District are buildings and uses customarily incident to any permitted use in the district.

3.06 PARKING REGULATIONS. All parking within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 16.00.

3.07 SIGN REGULATIONS. Signs within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 17.00.

**ARTICLE 4.00
RR RURAL RESIDENTIAL DISTRICT**

- SECTIONS: 4.01 Intent
4.02 Permissive Uses
4.03 Permitted Special Uses
4.04 Conditional Uses
4.05 Accessory Uses
4.06 Parking Regulations
4.07 Sign Regulations
4.08 Density, Area, Yard and Height Regulations

4.01 INTENT. This district is intended to protect a vigorous agricultural industry by limiting the areas in which the RR Rural Residential District can be used. The RR Rural Residential District, where permitted, shall generally be located where provisions can be made to adequately handle sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads and emergency services are easily and economically available.

4.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RR Rural Residential District:

- (a) Single family dwelling.
- (b) Public facility owned or operated by a governmental agency.
- (c) Neighborhood utilities.

4.03. PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RR Rural Residential District in conformance with the conditions prescribed therein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Church subject to:
 - (1) Said building being adjacent to an arterial street or section line road.
- (b) Elementary and high school subject to:
 - (1) One of the principle frontages of the premises shall abut upon an arterial or collector street.
 - (2) The main building shall be set back 25 feet from the side lot line.
- (c) Private park, playground or swimming pool.
- (d) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

4.04 CONDITIONAL USES. A building or premises may be used for the following purposes in

the RR Rural Residential District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Mobile home/manufactured home subdivision in conformance with Article 15.06.
- (b) Mobile home/manufactured home park in conformance with Article 15.06 .
- (c) Group day care.
- (d) Group home.
- (e) Nursing home.
- (f) Cemetery.
- (g) Kennel.
- (h) Stabling of horses, provided they are owned by the resident of the property and not used as a commercial operation on the property.
- (i) Golf course, except miniature course and driving range.
- (j) Wind Energy Conversion System in conformance with the requirements of Article 15.03.
- (k) Electrical substation.
- (l) Public utility facility.
- (m) Day care center.
- (n) Keeping Fowl provided the maximum number not exceed 6 fowl with no roosters
(amended MC30-33-14) 2-24-14

4.05 ACCESSORY USES. Accessory uses and buildings permitted in the RR Rural Residential District are buildings and uses customarily incident to any of the permitted uses in the district.

4.06 PARKING REGULATIONS. All parking within the RR Rural Residential District shall be regulated in conformance with the provisions of Article 16.00.

4.07 SIGN REGULATIONS. Signs within the RR Rural Residential District shall be regulated in conformance with the provisions of Article 17.00.

4.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RR Rural Residential District shall be as follows:

(a) General requirements:

	<u>All Uses</u>
Density	1 acre *
Lot area	1 acre *
Lot width	125'
Front yard	30' **
Side yard	7'
Rear yard	30'
Maximum height	35'

* Where a central sanitary sewer is available, the required lot area may be reduced

to 20,000 square feet.

- ** The front yard on all major arterial streets or section line roads shall be 50 feet.
- (b) There shall be a required front yard on each street of a double frontage lot.
- (c) Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**ARTICLE 5.00
RS-1 RESIDENTIAL DISTRICT**

- SECTIONS: 5.01 Intent
5.02 Permissive Uses
5.03 Permitted Special Uses
5.04 Conditional Uses
5.05 Accessory Uses
5.06 Parking Regulations
5.07 Sign Regulations
5.08 Density, Area, Yard and Height Regulations

5.01 INTENT. This district is intended to provide for areas of residential use with a gross density of generally five dwelling units per acre or less. The district permits single family dwellings and such supportive community facilities as parks, playgrounds, schools, libraries and churches. It is intended that this district provide protection for those areas existing as, or planned for, single family neighborhoods. A central sanitary sewer system must be available to serve these developments.

5.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RS-1 Residential District:

- (a) Single family dwelling.
- (b) Neighborhood utilities.

5.03. PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RS-1 Residential District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Churches:
 - (1) One of the principle frontages of the premises shall abut upon an arterial or collector street.
 - (2) The main building shall be set back twenty-five feet from the side lot line.
- (b) Elementary and high schools:
 - (1) One of the principle frontages of the premises shall abut upon an arterial or collector street.
 - (2) The main building shall be set back twenty-five feet from the side lot line.
- (c) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

5.04 CONDITIONAL USES. A building or premises may be used for the following purposes in

the RS-1 Residential District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Group daycare.
- (b) Private lake.
- (c) Group home.
- (d) Nursing home.
- (e) Convent and monastery.
- (f) Electrical substation.
- (g) Public utility facility.
- (h) Day care center.

5.05 ACCESSORY USES. Accessory uses and buildings permitted in the RS-1 Residential District are buildings and uses customarily incident to any of the permitted uses in the district.

5.06 PARKING REGULATIONS. Parking within the RS-1 Residential District shall be regulated in conformance with the provisions of Article 16.00.

5.07 SIGN REGULATIONS. Signs within the RS-1 Residential District shall be regulated in conformance with the provisions of Article 17.00.

5.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RS-1 Residential District shall be as follows:

- (a) General requirements:

	All Uses	Corner Lots
Density	7500 sq. ft.	8500 sq. ft.
Lot area	7500 sq. ft.	8500 sq. ft.
Lot width	60'	85'
Front Yard	30'	30' *
Side yard	7' **	7' **
Rear yard	30'	15'
Maximum height	35'	35'

* The front yard along the side street side of a corner lot may be reduced to 25 feet.

** The side yard will be required to be increased to 10 feet when the building is three stories in height or more.

- (b) There shall be a required front yard on each street of a double frontage lot.
- (c) Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**ARTICLE 6.00
RS-2 RESIDENTIAL DISTRICT**

SECTIONS: 6.01 Intent
6.02 Permissive Uses
6.03 Permitted Special Uses
6.04 Conditional Uses
6.05 Accessory Uses
6.06 Parking Regulations
6.07 Sign Regulations
6.08 Density, Area, Yard and Height Regulations

6.01 INTENT. This district is intended to provide for areas of residential use with a gross density of generally five to seven dwelling units per acre. The district permits single family dwellings and such supportive community facilities as parks, playgrounds, schools, libraries and churches. It is intended that this district provide protection for those areas existing as or planned for single family neighborhoods. A central sanitary sewer system must be available to serve these developments.

6.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RS-2 Residential District:

- (a) Single family dwelling.
- (b) Neighborhood utilities.

6.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RS-2 Residential District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Churches:
 - (1) One of the principle frontages of the premises shall abut upon an arterial or collector street.
 - (2) The main building line shall be set back twenty-five feet from the side lot lines.
- (b) Elementary and high schools:
 - (1) One of the principle frontages of the premises shall abut upon an arterial or collector street.
 - (2) The main building shall be set back twenty-five feet from the side lot lines.
- (c) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

6.04 CONDITIONAL USES. A building or premises may be used for the following purposes in

the RS-2 Residential District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Group daycare.
- (b) Private lake.
- (c) Two-family dwelling.
- (d) Group home.
- (e) Nursing home.
- (f) Convent and monastery.
- (g) Electrical substation.
- (h) Public utility facility.

6.05 ACCESSORY USES. Accessory uses and buildings permitted in the RS-2 Residential District are buildings and uses customarily incident to any of the permitted uses in the district.

6.06 PARKING REGULATIONS. Parking within the RS-2 Residential District shall be regulated in conformance with the provisions of Article 16.00.

6.07 SIGN REGULATIONS. Signs within the RS-2 Residential District shall be regulated in conformance with the provisions of Article 17.00.

6.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RS-2 Residential District shall be as follows:

- (a) General requirements:

	All Uses		
	Except Duplexes	Duplexes	Corner Lots
Density.....	5500 sq. ft.	4350 sq. ft.	6000 sq. ft.
Lot Area.....	5500 sq. ft.	8700 sq. ft.	6000 sq. ft.
Lot Width.....	50'.....	60'.....	60'
Front Yard.....	25'.....	25'.....	25' *
Side Yard.....	5' **.....	5' **.....	5' **
Rear Yard.....	25'.....	25'.....	15'
Maximum Height.....	35'.....	35'.....	35'

* The front yard along the side street side of a corner lot may be reduced to 20 feet.

** The side yard will be required to be increased to ten feet when the building is three stories in height or more.

- (b) There shall be a required front yard on each street of a double frontage lot.

- (c) Buildings with side yard setbacks less than required herein may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**ARTICLE 7.00
RD RESIDENTIAL DISTRICT**

SECTIONS: 7.01 Intent
7.02 Permissive Uses
7.03 Permitted Special Uses
7.04 Conditional Uses
7.05 Accessory Uses
7.06 Parking Regulations
7.07 Sign Regulations
7.08 Density, Area, Yard and Height Regulations

7.01 INTENT. This district is intended to provide for both developing and redeveloping areas of moderate residential density between six and fourteen dwelling units per acre. This district provides for single family, two family, townhouse and multiple family residential uses, plus support facilities such as schools, parks, community buildings and churches. A central sanitary sewer system must be available to serve these developments.

7.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RD Residential District:

- (a) Single family dwelling.
- (b) Two family dwelling.
- (c) Neighborhood utilities.

7.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RD Residential District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Churches:
 - (1) One of the principle frontages of the premises shall abut on an arterial or collector street.
 - (2) The main building shall be set back twenty-five feet from the side lot lines.
- (b) Elementary and high schools:
 - (1) One of the principle frontages of the premises shall abut on an arterial or collector street.
 - (2) The main building shall be set back twenty-five feet from the side lot lines.
- (d) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

7.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RD Residential District if a conditional use permit for such use has been obtained in

conformance with the requirements of Article 19.00:

- (a) Three and four family dwellings.
- (b) Up to and including four single family attached units in any one structure.
- (c) Nursing home.
- (d) Group daycare.
- (e) Group home.
- (f) Convent and monastery.
- (g) Private lake.
- (h) Electrical substation.
- (i) Public utility facility.

7.05 ACCESSORY USES. Accessory uses and buildings permitted in the RD Residential District are buildings and uses customarily incident to any permitted use in the district.

7.06 PARKING REGULATIONS. Parking within the RD Residential District shall be regulated in conformance with the provisions of Article 16.00.

7.07 SIGN REGULATIONS. Signs within the RD Residential District shall be regulated in conformance with the provisions of Article 17.00.

7.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RD Residential District shall be as follows:

(a) General requirements:

	<u>Density</u> (Sq. ft.)	<u>Lot Area</u> (sq. ft.)	<u>Lot</u> <u>Width</u>	<u>Front</u> <u>Yard</u>	<u>Side</u> <u>Yard</u>	<u>Rear</u> <u>Yard</u>	<u>Maximum</u> <u>Height</u>
Single Family Dwelling	5000	5000	50'	25'*	5' **		35'
Two Family Dwelling	3000	6000	50'	25'*	5'***	Smaller of 25' or 25% of lot depth	35'
Townhouses	2400	2400	16'	25'*	0' or 10'on non-party wall side.		35'
Three and Four Family Dwelling	2500	7500	75'	25'*	7'***		35'
Other Allowable Uses	-	5000	50'	25'*	7'***		35'

* The front yard along the side street side of a corner lot may be reduced to 20 feet.

** The side yard will be required to be increased to ten feet when the building is

three stories in height or more.

- (b) There shall be a required front yard on each street of a double frontage lot.
- (c) Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**ARTICLE 8.00
RA-1 RESIDENTIAL DISTRICT**

SECTIONS: 8.01 Intent
8.02 Permissive Uses
8.03 Permitted Special Uses
8.04 Conditional Uses
8.05 Accessory Uses
8.06 Parking Regulations
8.07 Sign Regulations
8.08 Density, Area, Yard and Height Regulations

8.01 INTENT. This district is intended to provide for areas of moderate residential density between ten and seventeen dwelling units per acre. This district provides for single family, two family, townhouse and multiple family residential uses plus support facilities such as schools, parks, community buildings and churches. A central sanitary sewer system must be available to serve these developments.

8.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RA-1 Residential District:

- (a) Single family dwelling.
- (b) Two family dwelling.
- (c) Up to and including six single family attached units in any one structure.
- (d) Multiple dwelling.
- (e) Elementary and high school.
- (f) Nursing home.
- (g) Church.
- (h) Neighborhood utilities.

8.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RA-1 Residential District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00.

- (a) Churches:
 - (1) The main building shall be set back fifteen feet from the side lot lines.
- (b) Group home subject to:
 - (1) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,000 feet.
 - (2) Such use shall be permitted only so long as the facility continues to be licensed by the State of South Dakota.

- (c) Nursing home subject to:
 - (1) Such use shall be permitted only so long as the facility continues to be licensed by the State of South Dakota.
- (d) Group day care subject to:
 - (1) A four foot high fence shall be constructed between the play area and the street when the play area is adjacent to any arterial or collector street.
 - (2) A safe pick up and drop off area must be provided for the children.
- (e) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

8.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RA-1 Residential District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Private lake.
- (b) Boarding or rooming house.
- (c) Convent and monastery.
- (d) Day care center.
- (e) Park for mobile homes and manufactured homes in conformance with Article 15.06.
- (f) Electrical substation.
- (g) Public utility facility.
- (h) Telecommunications tower.

8.05 ACCESSORY USES. Accessory uses and buildings permitted in the RA-1 Residential District are accessory buildings and uses customarily incident to any permitted uses in the district.

8.06 PARKING REGULATIONS. Parking within the RA-1 Residential District shall be regulated in conformance with the provisions of Article 16.00.

8.07 SIGN REGULATIONS. Signs within the RA-1 Residential District shall be regulated in conformance with the provisions of Article 17.00.

8.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RA-1 Residential District shall be as follows:

(a) General Requirements:

	Density Lot (sq. ft)	Area (sq. ft)	Lot	Front Width	Side Yard	Rear Yard	Maximum Yard Height
Single Family Dwelling	5,000	5,000		50'	25'*	5'***	45'
Two Family Dwelling	2,500	5,000		50'	25'*	5'***	45'
Townhouses	2,400	5,000		16'	25'*	0' or 10' on non-party wall side	45'
Multiple Dwellings							Smaller of 25' or 25% of lot depth
3 to 8 Dwelling Units	2,500	7,500		50'	25'*	7'***	45'
9 to 12 Dwelling Units	2,500	7,500		75'	25'*	15'	45'
Over 12 Dwelling Units	2,500	30,000		100'	25'*	15'	45'
Rooming Houses	200/bed	5,000		50'	25'*	5'***	45'
Other Allowable Uses	---	5,000		50'	25'*	15'***	45'

* The front yard along the side street side of a corner lot may be reduced to 20 feet.

** The side yard will be required to be increased to 10 feet when the building is three stories in height or more.

(b) There shall be a required front yard on each street side of a double frontage lot.

- (c) Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

ARTICLE 9.00
C COMMERCIAL DISTRICT

SECTIONS:	9.01	Intent
	9.02	Permissive Uses
	9.03	Permitted Special Uses
	9.04	Conditional Uses
	9.05	Accessory Uses
	9.06	Parking Regulations
	9.07	Sign Regulations
	9.08	Density, Area, Yard and Height Regulations

9.01 INTENT. This district is intended to provide for a wide variety of commercial uses generally located at major intersections and along major roads. This district will include general commercial uses requiring large land areas, extensive retail operations, and outdoor display.

9.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the C Commercial District:

- (a) Office.
- (b) Bank or financial institution.
- (c) Group day care, day care center, group home.
- (d) Mortuary.
- (e) Indoor recreational facility.
- (f) Nursery or greenhouse.
- (g) Church.
- (h) Personal services.

9.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the C Commercial District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such uses in conformance with the requirements of Article 19.00:

- (a) Retail and wholesale trade or service, provided:
 - (1) For outside storage areas, a screening plan shall be submitted for staff approval.
 - (2) There is no storage of a regulated substance.
 - (3) The building contains 10,000 square feet of area or less.
- (b) Veterinarian clinic provided there is no outside kenneling of dogs.
- (c) Frozen food locker provided there is no slaughtering of animals on the premises.
- (d) Antenna support structure, subject to:
 - (1) Stealth design approved by the County Planning Director.

9.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the C Commercial District if a conditional use permit for such use has been obtained in

conformance with the requirements in Article 19.00:

- (a) Drive-in theater.
- (b) Warehouse/mini-warehouse.
- (c) Bar, lounge or adult use.
- (d) Equipment sales, display and repair.
- (e) Motor vehicle sales, display, service and rental.
- (f) Auto body shop.
- (g) Transportation, including gasoline service station, truck stop, and terminal.
- (h) Recycling facility.
- (i) Fireworks sales provided sales are conducted from a permanent building when business operations exceed nine (9) days.
- (j) Uses which store or handle a regulated substance.
- (k) Lumberyard.
- (l) Contractor's shop and storage yard.
- (m) Car wash.
- (n) Airport/heliport.
- (o) Hospital.
- (p) Hotel or motel.
- (q) Motor vehicle repair shop.
- (r) Public utility facility.
- (s) Campground.
- (t) Commercial recreation facility.
- (u) Wind energy conversion system in conformance with Article 15.03.
- (v) Broadcast tower.
- (w) Electrical substation.
- (x) Telecommunications tower.
- (y) Off-premise signs in conformance with Article 17A.00.
- (z). Solar energy conversion system in conformance with Article 15.09. *(amended by MC30-34-14 7/28/14)*

9.05 ACCESSORY USES. Accessory uses permitted in the C Commercial District are accessory buildings and uses customarily incident to any permitted uses in this district.

9.06 PARKING REGULATIONS. Parking within the C Commercial District shall be regulated in conformance with the provisions of Article 16.00.

9.07 SIGN REGULATIONS. Signs within the C Commercial District shall be regulated in conformance with the provisions of Article 17.00.

9.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. A maximum height and minimum lot requirements within the C Commercial District shall be as follows:

(a) General Requirements:

	<u>All Uses</u>
Density.....	----
Lot Area.....	----

Lot Width.....	----
Front Yard.....	30'
Side Yard.....	10'
Rear Yard.....	20'
Maximum Height.....	35'

- (b) There shall be a required front yard on each street side of double frontage lots.
- (c) There shall be a required front yard on each street side of a corner lot.
- (d) Any accessory uses shall be required to comply with the height, front, rear and side yard requirements of the main building.

ARTICLE 10.00
[Reserved]

**ARTICLE 11.00
I-1 LIGHT INDUSTRIAL DISTRICT**

- SECTIONS: 11.01 Intent
11.02 Permissive Uses
11.03 Permitted Special Uses
11.04 Conditional Uses
11.05 Accessory Uses
11.06 Parking Regulations
11.07 Sign Regulations
11.08 Density, Area, Yard and Height Regulations

11.01 INTENT. This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park like setting. These uses do not depend on frequent personal visits from customers or clients and do not include residences, apartments, or commercial uses which are primarily retail in nature. It is the intention of this district to provide high amenity industrial development along the major roads and adjacent to residential areas, while allowing for slightly heavier development in the interior of the industrial areas.

11.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the I-1 Light Industrial District:

- (a) Public utility facility, electrical substation.
- (b) Antenna support structure.
- (c) Any permissive use except personal services listed in the C Commercial District.

11.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the I-1 Light Industrial District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Warehousing, repair services, wholesale trade, light manufacturing provided:
 - (1) For outside storage areas, a screening plan shall be submitted for staff approval.
 - (2) There is no storage of a regulated substance on the premises.
 - (3) The building contains 20,000 square feet of area or less.
- (b) Veterinarian clinic provided there is no outside kenneling of animals.
- (c) Frozen food locker provided there is no slaughtering of animals on the premises.
- (d) Off-premise signs in conformance with Article 17A.00.
- (e) Telecommunications tower, subject to:
 - (1) A minimum distance of 300' from the telecommunications tower to any

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- residentially zoned or used property measured from the base of the telecommunications tower to the property line.
 - (2) A minimum distance of 2 mile between telecommunications towers measured from the base of one telecommunications tower to the base of another.
 - (3) Stealth design approved by the County Planning Director.
- (f). Retailing or personal service as an accessory use when in conjunction with a primary use of wholesaling or manufacturing.

11.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the I-1 Light Industrial District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Asphalt mixing plant, ready-mix concrete plant.
- (b) Extraction of rock, sand and gravel in conformance with Article 15.14.
- (c) Airport/heliport.
- (d) Any conditional use listed in the C Commercial District.
- (e) Broadcast tower.
- (f) Salvage Operation in accordance with Article 15.08 (amended 8-17-09 by MC30-02)
- (g) Recycling Processing Facility. (amended 8-17-09 by MC30-02)
- (h) Solar energy conversion system in conformance with Article 15.09. (amended 7-28-14 by MC30-34-14)

11.05 ACCESSORY USES. Accessory uses and buildings permitted in the I-1 Light Industrial District are accessory buildings and uses customarily incident to any permitted uses in this district.

11.06 PARKING REGULATIONS. Parking within the I-1 Light Industrial District shall be regulated in conformance with the provisions of Article 16.00.

11.07 SIGN REGULATIONS. Signs within the I-1 Light Industrial District shall be regulated in conformance with the provisions of Article 17.00.

11.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the I-1 Light Industrial District shall be as follows:

(a) General requirements:

	<u>All Uses</u>
Density.....	----
Lot Area.....	----
Lot Width.....	----
Front Yard.....	30'
Side Yard.....	10'
Rear Yard.....	20'
Maximum Height.....	45'

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- (b) There shall be a required front yard on each street side of a double frontage lot.
- (c) There shall be a required front yard on each street side of a corner lot.

ARTICLE 12.00
I-2 GENERAL INDUSTRIAL DISTRICT

- SECTIONS: 12.01 Intent
12.02 Permissive Uses
12.03 Permitted Special Uses
12.04 Conditional Uses
12.05 Accessory Uses
12.06 Parking Regulations
12.07 Sign Regulations
12.08 Density, Area, Yard and Height Regulations

12.01 INTENT. This district is intended to provide for heavy industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, institutional or planned or neighborhood commercial establishments. All uses in this district shall comply with any state regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

12.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the I-2 General Industrial District:

- (a) Any permissive use listed in the I-1 Light Industrial District.

12.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the I-2 General Industrial District in conformance with the conditions prescribed herein, or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) Warehousing, wholesale trade, repair services, light manufacturing provided:
- (1) For outside storage areas, a screening plan shall be submitted for staff approval.
 - (2) There is no storage of a regulated substance on the premises.
 - (3) The building contains 25,000 square feet of area or less.
- (b) Off-premise signs in conformance with Article 17A.00.
- (c) Telecommunications tower, subject to:
- (1) A minimum distance of 300' from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
 - (2) A minimum distance of 2 mile between telecommunications towers measured from the base of one telecommunications tower to the base of another.
 - (3) Stealth design approved by the County Planning Director.
- (d) Retailing as an accessory use when in conjunction with a primary use of wholesaling or manufacturing.

12.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the I-2 General Industrial District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) General manufacturing.
- (b) Stockyards/slaughtering of animals.
- (c) Rendering.
- (d) Distillation of products.
- (e) Refining.
- (f) Sanitary landfill, solid waste receiving station.
- (g) Paper manufacturing.
- (h) Tank farm; petroleum products terminal.
- (i) Salvage operation or junkyard in accordance with Article 15.08 *(amended 08/17/09 by MC30-02)*
- (j) Airport/heliport.
- (k) Any conditional use listed in the I-1 Light Industrial District.
- (l) Mineral exploration and development in accordance with Article 15.05.
- (m) Any similar use not heretofore specified.
- (n) Broadcast tower.
- (o) Solar energy conversion system in conformance with Article 15.09. *(amended 7-27-14 by MC30-34-14)*

12.05 ACCESSORY USES. Accessory uses and buildings permitted in the I-2 General Industrial District are accessory buildings and uses customarily incident to any permitted uses in this district.

12.06 PARKING REGULATIONS. Parking within the I-2 General Industrial District shall be regulated in conformance with the provisions of Article 16.00.

12.07 SIGN REGULATIONS. Signs within the I-2 General Industrial District shall be regulated in conformance with the provisions of Article 17.00.

12.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the I-2 General Industrial District shall be as follows:

- (a) General requirements:

	<u>All Uses</u>
Density.....	----
Lot Area	----
Lot Width.....	----
Front Yard.....	30'
Side Yard.....	10'
Rear Yard.....	20'
Maximum Height.....	55'

**ARTICLE 13.00
RC RECREATION/CONSERVATION DISTRICT**

- SECTIONS: 13.01 Intent
13.02 Permissive Uses
13.03 Permitted Special Uses
13.04 Conditional Uses
13.05 Accessory Uses
13.06 Parking Regulations
13.07 Sign Regulations
13.08 Density, Area, Yard and Height Regulations

13.01 INTENT. This district is intended to protect natural drainage courses in their capacity to carry run-off water, to limit permanent structures and uses of land in areas subject to flooding, to prevent the pollution of underground water supplies (aquifers), to provide open space and natural areas for recreation, and add to the aesthetic quality of the area.

13.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RC Recreation/Conservation District:

- (a) Agriculture. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
 - 1) The parcel(s) consists of not less than forty (40) acres of unplatted land.
 - 2) The property's principal use is devoted to agriculture. *(amended by MC30-14-16 11/19/06)*
- (b) Public park; forest preserve.
- (c) Public golf course.
- (d) Historic sites.
- (e) A single-family dwelling if the following provisions for building eligibility are met: *(amended by MC30-05-04 3/15/04)*
 - (1) Each quarter-quarter section shall have one building eligibility when all the following conditions are met:
 - a) There are no other dwellings on the quarter-quarter section.
 - b) The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - c) The building site shall be a minimum of one acre.
 - d) Approval has been granted by the appropriate governing entity for access onto a public road.
 - e) The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.

- f). Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: “**RIGHT TO FARM NOTICE COVENANT**

You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Minnehaha County and Sioux Falls Planning Commissions.” *(amended by MC30-22-06 5/5/06)*

13.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District in conformance with the conditions prescribed herein, or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) A single-family dwelling located on a lot of record in accordance with the following:
(amended by MC30-05-04 3/15/04)
- (1) A lot of record consisting of less than 80 acres and containing no other dwellings

- shall have one eligible building site.
- (2) The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - (3) A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
 - a) The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
 - b) If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
 - c) Each building site shall consist of a minimum of one acre.
 - (4) Approval has been granted by the appropriate governing entity for access onto a public road.
 - (5) Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.
- (b) A building eligibility may be used within a farmstead provided:
- (1) The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
 - (2) There will be no more than two dwellings within the farmstead.
 - (3) The farmstead is not in the 100 year flood plain as identified on Flood Insurance Administration maps.
 - (4) The residential structure may be a single-family dwelling, manufactured home or mobile home.
- (c) Plant nursery or tree farm subject to:
- (1) No retail sales allowed on the premises.
 - (2) No structures exceeding 500 square feet.
 - (3) All structures meeting the requirements of Article 15.08.
- (d) Electric substations subject to:
- (1) An opaque screen six feet in height must be erected on the side and rear lot lines and on the front yard setback line.
 - (2) The required side yard shall be 25 feet.
- (e) Antenna support structure, subject to:
- (1) Stealth design approved by the County Planning Director

13.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District if a conditional use permit for such use has been obtained in conformance with the requirements of Article 19.00:

- (a) Commercial recreation facility.

- (b) Day or summer camp.
- (c) Rifle and pistol range; trap shoot.
- (d) Cemetery.
- (e) Fairgrounds.
- (f) Rock, sand and gravel extraction in conformance with Article 15.14.
- (g) A single-family dwelling on a parcel which is not a lot of record provided:
 - 1) The deed to the land or the agreement to convey the parcel was recorded with the Register of Deeds prior to September 27, 1988.
 - 2) The building site is not in the 100 year flood plain as identified on the Flood Insurance Rate Map.
 - 3) There are no other dwellings located on the parcel, except a parcel of 80 acres or more shall have building eligibility determined as follows:
 - a) The acreage of the parcel shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings on the parcel shall represent the building eligibility.
 - b) Each building site shall consist of a minimum of one acre.
 - 4) The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - 5) The soil conditions are acceptable for a building site.
 - 6) Approval has been granted by the appropriate governing entity for access onto a public road.
- (h) Broadcast tower.
- (i) Telecommunications tower.
- (j) The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC30-05-04 3/15/04)*
 - (1) The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this ordinance same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel. *(MC30-13-06 7/17/06)*
 - (2) Suitability as a building site based on the following factors:
 - a). Agricultural productivity of the soil.
 - b). Soil limitations.
 - c). Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
 - (3) The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.
 - (4) The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - (5) The parcel from which the building eligibility is transferred shall continue as agricultural land or remain in its present use.
 - (6) Approval has been granted by the appropriate governing entity for access onto a public road.

**ARTICLE 14.00
PD PLANNED DEVELOPMENT DISTRICT**

- SECTIONS: 14.01 Intent
14.02 Procedure
14.03 Initial Development Plan
14.04 Final Development Plan
14.05 Amendments
14.06 Planned Development Districts
PD-1 Willow Run PD
PD-2 Thomas PD
PD-3 Willow Ridge Estates PD
PD-4 ~~Powder House Road PD~~ (Annexed)
PD-5 Wheatstem Meadows PD
PD-6 Resurrection PD
PD-7 SDN PD

14.01 INTENT. It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for PD Planned Development District projects in order to:

- (a) Encourage well planned, efficient development.
- (b) Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
- (c) Encourage the redevelopment of contiguous large lot parcels into an integrated and orderly subdivision pattern, with particular attention to developing an efficient and coordinated network of internal streets.
- (d) Promote the clustering of residential structures and other uses without increasing overall density of the development area in order to preserve unique and natural features such as woodlands, wetlands, natural drainage systems and scenic areas.
- (e) Protect sensitive areas and areas with restrictive soil conditions within development areas through clustering of uses on land more suited for building.
- (f) Reserve adequate public right-of-way within development areas for the eventual extension of arterial and collector streets, including proper width and spacing of such streets.
- (g) Improve communication and cooperation among the County, townships, land developers, and interested residents in the development of agricultural land and redevelopment of existing areas.

It is not the intent of the PD Planned Development District to accommodate or encourage the development of isolated small tracts where adjoining parcels are not considered within an overall development scheme.

14.02 PROCEDURE

- (a) Initial Development Plan. When a petitioner wants to request a rezoning to the Planned Development District, it shall be submitted to the Minnehaha County Planning Department, showing the information specified in 14.03 below, a minimum of 30 days prior to the joint meeting of the County and City Planning Commissions at which consideration is desired. After the planned development request has been reviewed, the Planning Commissions shall make a recommendation to the Board of County Commissioners and City Council on the requested rezoning. The Board of County Commissioners and City Council shall then act to approve or deny said request.

This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in Article 20.00. No permit shall be issued within the development until the Final Development Plan is approved and the plat is filed.

- (b) Final Development Plan. Prior to construction on any lots in the planned development, the petitioner shall present a Final Development Plan showing the information specified in 14.04 below, to the Planning Commissions, who shall have the sole authority to approve, deny, or amend said plan.

The Final Development Plan may be submitted in conjunction with the Initial Development Plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an Initial and Final Development Plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

- (c) Amendments.
- (1) Major Amendments. Major amendments to the Initial and/or Final Development Plan shall be required to be approved as an amendment to the zoning regulations, requiring the Planning Commissions' review, and Board of County Commissioners and City Council approval.
 - (2) Minor Amendments. Minor amendments to the Initial and/or Final Development Plan shall be required to be approved by the Planning Commissions at a hearing. Notice of such hearing shall be given by the posting of a sign on the property.

Minor amendments to the Initial Development Plan may also be made by the submission and approval of a Final Development Plan which is changed from the

approved Initial Development Plan. Any such amendments shall be shown as a change from the Initial Development Plan on the Final Development Plan, and further these changes shall be made on the Initial Development Plan.

- (3) Minimal Amendments. Minimal amendments to the Final Development Plan shall be submitted to the Planning Director on a reproducible development plan showing the requested changes. The Planning Director may then approve such change in writing, if he/she deems it appropriate.

14.03 INITIAL DEVELOPMENT PLAN. Upon application for rezoning to the Planned Development District, the petitioner shall present an Initial Development Plan to the Planning Commissions for review, and to Board of County Commissioners and City Council for their approval showing the following information:

- (a) Project name and legal description.
- (b) A preliminary subdivision plan.
- (c) The proposed development scheme showing the following information:
 - (1) The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed nonresidential buildings and their square footage.
 - (2) The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such densities undesirable.
 - (3) The proposed minimum setbacks which shall be no less than those required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such setbacks undesirable.
 - (4) The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such heights undesirable.
 - (5) Proposed design features illustrating compatibility to the surrounding environment and neighborhood.
 - (6) Anticipated subarea development sequence.

14.04 FINAL DEVELOPMENT PLAN. Prior to construction on any lots in the Planned Development Zoning District, the petitioner shall present a Final Development Plan to the Planning Commissions for their approval. The Final Development Plan shall show the following information:

- (a) The subdivision name, the legal description, and the individual project name (if any).
- (b) Boundaries of the subarea or subareas submitted for approval superimposed on the map

- of the Initial Development Plan.
- (c) A subdivision plat of the subarea or subareas submitted for approval.
 - (d) A scale drawing showing the following information will be required for everything except single-family detached dwelling subareas:
 - (1) Size and location of proposed structures including height and number of units.
 - (2) Calculated floor area for each structure and a generic listing of the uses within said structure.
 - (3) Off-street parking lot arrangement designating all parking spaces, off-street loading spaces, and any outdoor trash container spaces.
 - (4) Any sidewalks, bikeways or other paths.
 - (5) Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.
 - (6) All existing and proposed utilities, drainageways, water courses, and location of above ground existing utilities on adjacent property.
 - (7) Proposed final ground contours.
 - (8) Existing and proposed uses adjacent to the area.
 - (9) Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.
 - (10) Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.
 - (11) Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.
 - (12) Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.

14.05 AMENDMENTS.

- (a) Major Amendments. The following changes in an Initial and/or Final Development Plan are considered major amendments:
 - (1) Any change in the proposed land uses.
 - (2) Any major change in the street pattern.
 - (3) An increase in density above that provided for in (B)(5) below.
- (b) Minor Amendments. The following changes in an Initial and/or Final Development Plan are considered minor amendments:
 - (1) Any adjustment in the size or shape of the building envelope (increasing the

- height or reducing the building setback).
- (2) Major decrease in density.
 - (3) Any decrease in the size of required open areas.
 - (4) A minor change in the street pattern.
 - (5) Any increase in density of a subarea:
 - a) Less than 25% for a subarea with less than eight units.
 - b) Less than 15% for a subarea with between nine and twenty units.
 - c) Less than 8% for a subarea with twenty-one units or more.
 - (6) Any change in the number of parking spaces.
- (c) Minimal Amendments. The following changes in an Initial and/or Final Development Plan are considered minimal amendments:
- (1) Any adjustment of a building within a previously established building envelope.
 - (2) A minor reduction in density.

14.06 PLANNED DEVELOPMENT DISTRICTS. Planned development districts shall be as enumerated below:

(PD-1)

WILLOW RUN PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations in the Willow Run Planned Development District:

(a) SUBAREA A.

- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

Up to and including six single family attached units in any one structure.

- (2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district.
- (3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of the RA-1 zoning district.
- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the RA-1 zoning district.
- (5) **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the RA-1 zoning district.
- (6) **OTHER REGULATIONS.** Other regulations for Subarea A shall be:
- Private roads shall provide access to the development.

(b) Subareas B thru E.

- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

Single family dwelling

- (2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district.
- (3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the

provisions of the RR zoning district.

- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the RR zoning district.
- (5) **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the RR zoning district.
- (6) **OTHER REGULATIONS.** Other regulations of Subareas B thru E shall be:
 - a) A second road access is needed to serve Subarea C and the impact on the township road due to development of the subarea must be addressed.
 - b) Private roads shall provide access to the developments.
 - c) The development of Subareas D and E shall include a road circulation plan that addresses access to abutting property.

(c) **SUBAREA F.**

- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

Golf course.
- (2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district.
- (3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of Article 16.00.
- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of Article 17.00.
- (5) **SETBACK AND HEIGHT REGULATIONS.** The setback and height requirements for all structures shall be as follows:

50 feet from all public rights-of-way and 7 feet from all other property lines.
Maximum height shall be 35 feet.
- (6) **OTHER REGULATIONS.** Other regulations for Subarea F shall be:

None.

(PD-2)

THOMAS PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations in the Thomas Planned Development District:

- (1). **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:
 - a) Single-family dwelling.
 - b) Agriculture limited to pasture and the production of crops.
- (2). **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district and restricted as follows:
 - a) Accessory buildings limited to a total area of 2500 square feet with each building not to exceed 1250 square feet.
 - b) Livestock not to exceed a total of 10 head.
 - c) Horses not to exceed one horse per family member.
 - d) Dog kennel limited to 10 adult dogs.
- (3). **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of the A-1 zoning district.
- (4). **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the A-1 zoning district.
- (5). **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the A-1 zoning district.
- (6). **OTHER REGULATIONS.** Other regulations shall be:

Driveway access shall not enter onto County Highway 130.

(PD-3)

WILLOW RIDGE ESTATES PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations in the Willow Ridge Estates Planned Development District.

(a) **SUBAREA A.**

- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes.

Single-family dwelling.

- (2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district. No accessory building shall exceed 1200 square feet in area.
- (3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of the RR zoning district.
- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the RR zoning district.
- (5) **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the RR zoning district.
- (6) **OTHER REGULATIONS.** Other regulations for Subarea A shall be:
Subdivision roads shall be hard surfaced.

(b) **SUBAREA B.**

- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes.

Single-family dwelling.

- (2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in the district. No accessory buildings shall exceed 1200 square feet in area.
- (3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of the RR zoning district.
- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the RR zoning district.
- (5) **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the RR zoning district.

- (6) OTHER REGULATIONS. Other regulations for Subarea A shall be:
 - a) Subdivision roads shall be hard surfaced.
 - b) Lots within the subarea shall not have driveway approaches directly onto Highway 38.

- (c) SUBAREA C
 - (1) USES PERMITTED. A building or premises shall be permitted to be used for the following purposes.
Park and recreation facilities.

 - (2) SIGN REGULATIONS. There shall be no on-premise or off-premise signs permitted in the subarea.

 - (3) OTHER REGULATIONS. Other regulations for Subarea A shall be:
Natural features in the subarea shall be retained to the greatest extent possible.

(PD-4)

POWDER HOUSE ROAD PLANNED DEVELOPMENT DISTRICT. (ANNEXED)

PD-5

WHEATSTEM MEADOWS PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations of the Wheatstem Meadows PD Planned Development District.

- (a) SUBAREA A. This Subarea is intended to provide for well designed commercial and general business office / technology, including research and development buildings, and light manufacturing uses accommodating management, research, design, marketing, and production needs of enterprises in the Planned Development District. Uses shall generally be commercial and office, combined with the light manufacturing uses and warehousing of products or materials associated with the primary use. An emphasis will be put on the quality of the development with regard to its landscaping, setbacks, and site arrangements.
 - 1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:
 - a) Those uses allowed as permitted special and conditional uses in the C-4, Planned Commercial District, including on-sale alcohol establishment as an accessory use; and
 - b) General business office / technology uses, including associated research and development buildings, and light manufacturing uses, provided all storage is placed indoors
 - c) Except telecommunications towers are not allowed.
 - 2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory uses and buildings customarily incident to any permitted use in this district.
 - 3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of Chapter 15.55
 - 4) **SIGN REGULATIONS.** On-premise sign types shall be limited to ground mounted monument style, building identification signs and campus identification signs and be regulated in conformance with Chapter 15.57 On Premise Sign Regulations for the C-4, Planned Commercial District, and the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control. A maximum of one (1) campus identification sign, located along 60th Street at Safferon Trail intersection may be allowed and be a maximum of 18' in height and 64 square feet in size.
 - 5) **DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.**

	Lot	Req=d	Req=d	Req=d	Req=d	
	Area	Lot	Front	Side	Rear	Maximum
<u>Density</u>	<u>(Sq Ft)</u>	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>

All uses same as the C-4, Planned Commercial District.*

***Exceptions:**

Lots abutting Kiwanis Avenue shall have a minimum building setback of 93 feet from the Kiwanis Avenue centerline.

Maximum building height shall be 35 feet.

- 6) **OTHER REGULATIONS.** Other regulations for Subarea A shall be:
- a) Development shall be preceded by annexation and completion of proper municipal street, sanitary sewer, water, and storm water drainage improvements.
 - b) Prior to development, a water and sanitary sewer service and systems improvement plan shall be designed for the entire property and approved by the City of Sioux Falls. The developer shall agree to connect to city water and sewer when available for the property.
 - c) Development shall be coordinated with traffic signalization plans and future street improvements on Kiwanis Avenue and 60th Street North.
 - d) The right-of-way for Reuben Goertz Boulevard be 100= minimum width.
 - e) Curb cuts be limited to three (3) on Kiwanis Avenue and three (3) on 60th Street North, as depicted on the initial development plan.
 - f) A 30= wide minimum landscape setback shall be established along Kiwanis Avenue, 60th Street East and Reuben Goertz Boulevard.
 - g) An aviation easement, acceptable to the city=s Airport Authority, shall be filed with the County Register of Deeds prior to any building development.
- (b) **SUBAREA B.** This Subarea is intended to provide for well designed business and technology buildings, accommodating management, research, design, marketing, and production needs of enterprises in the Planned Development District. Uses shall generally be office, institutional and light manufacturing uses, combined with warehousing of products or materials associated with the primary use. An emphasis will be put on the quality of the development with regard to its landscaping, setbacks, and site arrangements.
- (1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:
- a) Those uses allowed as permissive, permitted special and conditional uses in the O, Office, and S, Institutional Districts; and
 - b) General business office / technology uses, including associated research and development buildings, and light manufacturing uses, provided all storage is placed indoors.

- c) Except telecommunications towers are not allowed.
- (2) ACCESSORY USES. Accessory uses and buildings permitted are those accessory uses and buildings customarily incident to any permitted use in this district.
- (3) PARKING REGULATIONS. Parking shall be regulated in conformance with the provisions of Chapter 15.55.
- (4) SIGN REGULATIONS. On-premise sign types shall be limited to ground mounted monument style, building identification signs and campus identification signs and be regulated in conformance with Chapter 15.57 On Premise Sign Regulations for the O, Office District, and the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control.
- (5) DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.

	Lot	Req=d	Req=d	Req=d	Req=d	
	Area	Lot	Front	Side	Rear	Maximum
<u>Density</u>	<u>(Sq Ft)</u>	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>

Il uses same as the O, Office District.*

*Exception: Lots abutting Kiwanis Avenue shall have a minimum building setback of 93 feet from the Kiwanis Avenue centerline.

- (6) OTHER REGULATIONS. Other regulations for Subarea B shall be:
 - a) Development shall be preceded by annexation and completion of proper municipal street, sanitary sewer, water, and storm water drainage improvements.
 - b) Prior to development, a water and sanitary sewer service and systems improvement plan shall be designed for the entire property and approved by the City of Sioux Falls. The developer shall agree to connect to city water and sewer when available for the property.
 - c) Development shall be coordinated with traffic signalization plans and future street improvements on Kiwanis Avenue and 60th Street North.
 - d) The right-of-way for Reuben Goertz Boulevard be 100= minimum width.
 - e) Curb cuts be limited to three (3) Kiwanis Avenue, as depicted on the initial development plan. The proposed Saffron Trail and Kiwanis Avenue intersection, however, shall be aligned with the main roadway for the Redstone Village PD, Planned Development District located to the west, across Kiwanis Avenue.
 - f) A 30= wide minimum landscape setback shall be established along Kiwanis Avenue and Reuben Goertz Boulevard.
 - g) An avigation easement, acceptable to the city=s Airport Authority, shall be filed with the County Register of Deeds prior to any building development.

(c) SUBAREA C. This Subarea is intended to provide for well designed business and technology buildings, accommodating management, research, design, marketing, and production needs of enterprises in the Planned Development District. Uses shall generally be limited commercial, office, institutional and light manufacturing uses, combined with warehousing of products or materials associated with the primary use. An emphasis will be put on the quality of the development with regard to its landscaping, setbacks, and site arrangements.

(4) USES PERMITTED. A building or premises shall be permitted to be used for the following purposes:

- a) Those uses allowed as permissive, permitted special and conditional uses in the O, Office, and S, Institutional Districts, except telecommunications towers are not allowed.
- b) General business office / technology uses, including associated research and development buildings, and light manufacturing uses, provided all storage is placed indoors.
- c) Hotel/motel, including on-sale alcohol establishment as an accessory use;
- d) Light manufacturing, provided all manufacturing and storage takes place indoors;
- e) Warehouse or mini warehouse, provided all storage must be indoors;
- f) Wholesale trade or merchandising;
- g) Antenna support structure, subject to stealth design approved by the Director of Planning and Building Services;
- h) Farm/feed store;
- i) Wind energy conversion systems.

(2) ACCESSORY USES. Accessory uses and buildings permitted are those accessory uses and buildings customarily incident to any permitted use in this district.

(3) PARKING REGULATIONS. Parking shall be regulated in conformance with the provisions of Chapter 15.55

(4) SIGN REGULATIONS. On-premise sign types shall be limited to ground mounted monument style, building identification signs and campus identification signs and be regulated in conformance with Chapter 15.57 On Premise Sign Regulations for the O, Office District, and the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control. A maximum of two (2) campus identification signs, located along 60th Street at Reuben Goertz Boulevard and Thyme Drive intersections may be allowed and each campus id sign being a maximum of 18' in height and 64 square feet in size.

(5) DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.

Lot Req=d Req=d Req=d Req=d

<u>Density</u>	<u>Area (Sq Ft)</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
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All uses same as the O, Office District.

- (6) OTHER REGULATIONS. Other regulations for Subarea C shall be:
- a) Development shall be preceded by annexation and completion of proper municipal street, sanitary sewer, water, and storm water drainage improvements.
 - b) Prior to development, a water and sanitary sewer service and systems improvement plan shall be designed for the entire property and approved by the City of Sioux Falls. The developer shall agree to connect to city water and sewer when available for the property.
 - c) Development shall be coordinated with traffic signalization plans and future street improvements on Kiwanis Avenue and 60th Street North.
 - d) The right-of-way for Reuben Goertz Boulevard be 100= minimum width.
 - e) Curb cuts be limited to three (3) on 60th Street North as depicted on the initial development plan.
 - f) A 30= wide minimum landscape setback shall be established along 60th Street East and Reuben Goertz Boulevard.
 - g) An avigation easement, acceptable to the city=s Airport Authority, shall be filed with the County Register of Deeds prior to any building development.

PD-6

A major amendment to the Resurrection Planned Development District was approved by the County Commission and City Council on May 17, 2004. The following district regulations reflect such changes:

RESURRECTION PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or set forth elsewhere in these regulations are the district regulations of the Resurrection Planned Development District.

(e) SUBAREA A.

(1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

- a) Mortuary/Funeral home
- b) Crematory
- c) Mausoleum
- d) Columnbarium
- e) Private Lake(s)
- f) Parking Lot
- g) Naturalized tree, prairie and wetland plantings
- h) Service Building
- i) Manager/Caretaker Residence

(2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory uses and buildings customarily incident to any permitted use in this district.

(3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of Article 16.00.

(4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of Article 17.00.

Exception: On-premise free-standing signage shall be limited to one monument style building identification sign 48 square feet maximum in size and 6 feet maximum in height. Traffic signs shall be regulated in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control.

Concurrent with the first final development plan submittal, a master signage plan for Subarea A shall be submitted for the Planning Commission's review and approval. Directional and building identification wall signs shall be permitted in accordance with the master signage plan adopted as part of the Resurrection Planned Development District subarea regulations.

(5) DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.

	Lot	Req=d	Req=d	Req=d	Req=d	Maximum
	Area	Lot	Front	Side	Rear	
<u>Density</u>	<u>(Sq. Ft.)</u>	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>
-	5,000	-	50=	10=		35=

6) **OTHER REGULATIONS.** Other regulations for Subarea A shall be:

- a) Prior to development, a water service, system improvement and fire protection plan shall be approved by Minnehaha County and the City of Sioux Falls. The developer shall agree to connect to city water when available for the property.
- b) Prior to development, a sanitary sewer and systems improvement plan shall be approved by Minnehaha County and the City of Sioux Falls. An approved private septic system may be utilized on a temporary basis. Embalming fluids from the funeral home shall be kept in a holding tank and disposed of properly. The developer shall agree to connect to city sanitary sewer service when available for the property.
- c) When possible, natural stormwater drainage shall be preserved. Stormwater shall be retained on site in either existing or new wetlands or retention pond.
- d) A final development plan shall not be required for the naturalized tree, prairie and wetland plantings.
- e) A 50 foot wide landscape setback along 267th Street must be established during the initial construction phase. A site landscape improvement plan for subarea A shall be submitted concurrent with the first final development plan and include wetlands, ponds, and plant material selections and locations for trees, shrubs, hedges and fencing for county and city review and approval.
- f) An access control plan for 267th Street shall be submitted concurrent with the first final development plan for county and city review and approval. The funeral home may use a temporary approach from the highway until the permanent gated main entrance is developed during the first phase of cemetery construction. The main gated entrance road shall be hard-surfaced.

(b) **SUBAREA B.**

(1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

- a) Cemetery
- b) Chapel
- c) Private Lake(s)
- d) Parking Lot
- e) Mausoleum
- f) Columnbarium
- g) Music Tower
- h) Naturalized tree, prairie and wetland plantings
- i) Service Building
- j) Manager/Caretaker Residence

(2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory uses and buildings customarily incident to any permitted use in this district.

(3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the

provisions of Article 16.00.

- (4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of Article 17.00.

Exception: On-premise free-standing signage shall be limited to one monument style sign along each street frontage, measuring 48 square feet maximum in size and 8 feet maximum in height. Traffic signs shall be regulated in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control.

A master signage plan for Subarea B shall be submitted for the Planning Commission's review and approval. Cemetery identification and cemetery directional signs shall be permitted in accordance with the master signage plan adopted as part of the Resurrection Planned Development District subarea regulations.

- (5) **DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.**

		Req=d	Req=d	Req=d	Req=d	
	Lot	Lot	Front	Side	Rear	Maximum
<u>Density</u>	<u>Area</u>	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>
-	1 acre	150=	50=	15=	25=	35=

- (6) **OTHER REGULATIONS.** Other regulations for Subarea B shall be:

- a) The developer shall agree to connect to city water when available for the property.
- b) The developer shall agree to connect to city sanitary sewer service when available for the property.
- c) When possible, natural stormwater drainage shall be preserved. Stormwater discharge from the site shall be controlled through the use of new or existing wetlands or retention ponds and shall not exceed pre-development rates.
- d) A final development plan shall not be required for the naturalized tree, prairie and wetland plantings.
- e) A 50 foot wide landscape setback along 267th Street must be established during the initial construction phase. A site landscape improvement plan for subarea B shall be submitted concurrent with the first phase of cemetery development and include wetlands, ponds, and plant material selections and locations for trees, shrubs, hedges and fencing for county and city review and approval.
- d) An access control plan, including traffic control from 267th Street, shall be submitted for county and city review and approval. The main gated entrance road shall be hard-surfaced. The driveway approach onto 468th Avenue shall be limited to the caretaker's residence until 468th Avenue is hard-surfaced.

**ARTICLE 14A.00
WS WATER SOURCE PROTECTION OVERLAY DISTRICT**

SECTIONS:	14A.01	Intent
	14A.02	Boundaries of District
	14A.03	Conditional Uses
	14A.04	Standards
	14A.05	Prohibited Uses

14A.01 INTENT. This district is intended to preserve the quality and quantity of the area's water resources so as to ensure a safe and adequate supply of drinking water for present and future generations. Restrictions shall apply to land use activities which have the potential to contaminate water resources, including aquifers and wellhead sites currently in use and those having the potential for future use as a public water supply.

The purpose of these regulations is to prohibit certain uses which pose the greatest threat to groundwater contamination and to impose reasonable and adequate safeguards on other uses which exhibit a potential to contaminate the groundwater.

The Water Source Protection Overlay District is an overlay whose boundaries are superimposed on all districts established by this ordinance. It is not intended that these regulations interfere with, abrogate, or annul any other rules or regulations of this ordinance, except that if the Water Source Protection Overlay District imposes a greater restriction than the underlying zoning district regulations, they shall control.

14A.02. BOUNDARIES OF DISTRICT. The boundaries of the Water Source Protection Overlay District are shown upon the maps which have been made a part hereof by reference. The maps shall be signed by the Chairman of the Board of County Commissioners and the Mayor and filed with the County Auditor and City Clerk. The maps shall have the same force and effect as if they were all fully set forth herein.

14A.03. CONDITIONAL USES. A conditional use permit shall be required for any use which involves the storage and/or use of a regulated substance as defined by this ordinance. All available practical methods of preventing and controlling the contamination of groundwater from waste and other contaminants shall be employed.

14A.04. STANDARDS. The following standards shall apply to uses in the Water Source Protection Overlay District:

- (a) Tanks used for the storage of a regulated substance shall be governed as follows:
 - (1) A zoning permit shall be issued by the County Planning Department prior to placement or installation of any tank described below.
 - (2) All metallic tanks installed underground must be of double-wall construction and cathodically protected.

- (3) All nonmetallic tanks installed underground must be of double-wall construction.
 - (4) All underground tanks must be equipped with a continuous leak detection system capable of immediately detecting a leak and giving audible and visible alarms.
 - (5) All underground tanks and all above ground stationary tanks must be equipped with overfill protection devices. These devices must alert the transfer operator that the tank is 90 percent full or automatically shut off flow to the tank when the tank is no more than 95 percent full. All tanks must be equipped with an impervious spill containment basin.
 - (6) All fluid handling piping shall be of double-walled construction and shall include double-wall containment at the tank and to grade under any dispensing device.
 - (7) Piping on pressure systems shall be equipped with leak detection devices that will promptly notify the operator of a problem in the system in one or more of the following manners:
 - a) Give an audible and visible warning through the tank alarm panel.
 - b) Completely stop the flow of the material to the dispenser.
 - (8) Secondary containment shall be provided around and under all above ground stationary tanks and consist of native soils, clays, bentonites, or artificially constructed material equivalent to 60 mil high density polyethylene or greater. An impermeability of at least 10(-6) centimeter/second is required to permit containment and detection of a release. Secondary containment must be constructed and maintained to meet impermeability requirements for the operational life of the tank(s). Secondary containment must be capable of containing 110 percent of the volume of the largest tank.
 - (9) Storage of petroleum products in stationary above ground tanks as part of an agricultural activity shall be governed as follows:
 - a) A tank with a capacity of 55 gallons or less shall be exempt from these standards.
 - b) A tank with a capacity in excess of 55 gallons or a series of tanks with a total capacity exceeding 100 gallons shall provide secondary containment as set forth in subsection 8 above.
 - (10) Propane tanks shall be exempt from these standards.
- (b) Sewer lines must be of PVC material and the joints must be sealed.
- (c) When pastured animals are confined for winter feeding and the number exceeds 200 animal units, measures shall be employed to contain all wastes on site. Winter feeding of pastured animals shall not constitute a concentrated animal feeding operation.

14A.05. PROHIBITED USES. The following uses shall not be allowed in the Water Source Protection Overlay District:

- (a) Sanitary landfill, solid waste transfer facility.
- (b) Waste disposal except the spreading of solid and liquid animal waste.
- (c) Sewage disposal pond except when in conjunction with a concentrated animal feeding

operation which is a nonconforming use. In such case, a conditional use permit shall be required for the disposal pond.

- (d) Disposal of radioactive waste.
- (e) Disposal of snow containing de-icing chemicals.
- (f) Concentrated animal feeding operation.
- (g) Injection well(Class V well).
- (h) Petroleum products terminal.
- (i) Junk or salvage yard.
- (j) Manufacture of a regulated substance.
- (k) Unenclosed storage of road salt.
- (l) Cemetery.

**ARTICLE 14B.00
RRCO RED ROCK CORRIDOR OVERLAY DISTRICT**

(adopted 11/21/2011 MC30-28-11)

SECTIONS:	14B.01	Intent
	14B.02	Boundaries of District
	14B.03	Development Standards
	14B.04	Variance

14B.01 INTENT. The Red Rock Corridor Overlay District is a new zoning district which adds development standards and guidelines to the existing base zoning districts. The purpose of this overlay district is to maximize the corridor's potential development and insure compatibility with the existing and future land uses. This district is intended to increase the quality of development by applying design and development standards developed by County staff and the Red Rock Corridor Task Force.

14B.02 BOUNDARIES OF DISTRICT. The boundaries of the Red Rock Corridor Overlay District are shown upon the maps which have been made a part hereof by reference. The maps shall be signed by the Chairman of the Board of County Commissioner and Mayor and filed with the County Register of Deeds. The maps shall have the same force and effect as if they were all fully set forth herein.

14B.03 DEVELOPMENT STANDARDS. The requirements set forth in this section shall apply to any development or redevelopment of property located within the Red Rock Corridor:

(A). Site Plan Approval Required

- (1). The purpose of the site plan is to show all information needed to enable Planning Director and the Board of Adjustment to determine if the proposed development meets the requirements of this RRC Overlay District and 2002 Revised Joint Zoning Ordinance.
- (2). All non-residential/agricultural development located within the Red Rock Corridor shall require site plan approval. Completed submittals that meet the requirements of this section may be approved administratively by the Planning Director. The Planning Director may waive minor requirements based on site conditions for the given property.
 - (a). Submittals not able to meet the requirements of this section shall be reviewed by the Board of Adjustment:
 - (i). A written notice shall be sent to all adjacent property owners no less than ten days prior to the Board of Adjustment's consideration of a site plan containing a modification or waiver of the requirements.

- (3). Information Required. The site plan shall include the following information concerning the proposed development:
- (a). Names of all persons having an interest in the property, legal description of property, point of compass, scale, and date.
 - (b). Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
 - (c). If the applicant is other than the legal owner, the applicant's interest shall be stated.
 - (d). Name and address of persons who prepared the site plan.
- (4). Required Illustrations. The site plan shall clearly set forth the following information concerning the proposed development:
- (a). Property boundary lines, dimensions, and total area of the proposed development.
 - (b). The proposed use of building materials, location, size, height, shape, use, elevation, building sign type, and illustration of all buildings or structures in the proposed development.
 - (c). Location of the proposed on-site wastewater system:
 - (i). All onsite wastewater systems shall be constructed and operated in conformance with state regulations and with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
 - (d). The total square footage of building floor area, both individually and collectively in the proposed development.
 - (e). Existing buildings, rights-of-way, street improvements, railroads, utility easements, drainage courses, streams and wooded areas.
 - (f). Location, number, dimensions and design of off-street parking in the proposed development, including:
 - (i). Driveways, islands, and planters.
 - (ii). Striping and curbs.
 - (iii). Loading facilities.
 - (iv). Type and location of lighting.
 - (v). Surface treatment.
 - (g). Facilities for the collection and disposal of garbage and trash, and screening structures.

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- (h). Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and prospective with proposed height and structural material indicated.
 - (i). Location and type of all plants, grass, trees, or ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size of trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all site plans the following requirements shall be met:
 - (i). Implementation. The landscaping plan shall be submitted for approval as part of site plan submittal. The landscaping plan is to show the following information in accordance with the requirements of Section 3.D.
 - a. Location of trees
 - b. Size and species of trees
 - c. Number of each size and species of trees
 - (ii). Approval of Landscaping. Landscaping is to be in-place at the start of operation. Should completion of landscaping be delayed because of the season of year, extension of time may be granted by the Planning Director.
 - (iii). Maintenance. All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this chapter. Landscaping which is not maintained in a manner consistent with this chapter shall be replaced, as follows:
 - a. Replacement includes, but is not limited to replacing plants damaged by insects, soil conditions, disease, vehicular traffic, vandalism, and acts of nature.
 - b. Replacement landscaping shall be installed following notification by the Planning Director that a violation of this chapter has occurred, or proper guarantees provided.
- (B). Exterior Building Materials
- (1). Color
 - (a). Exterior colors shall be low reflectance, subtle, and of earth tone colors. The use of high intensity, fluorescent colors is prohibited.
- (C). Signs
- (1). On-premise signage within the Red Rock Corridor shall be regulated in conformance with the provisions of Article 17.00, except for:
 - (a). Only monument signs shall be allowed as freestanding signs when:
 - (i). The sign area shall not exceed 200 square feet.

- (ii). The maximum height shall be 10 feet.
- (2). Off-premise signage is prohibited in all cases except for:
 - (a). Multi-Tenant Signs in Commercial Centers:
 - (i). One multi-tenant sign shall be allowed within a commercial center to act as a directory for the businesses located within the commercial center.
 - a. The sign area shall not exceed 200 square feet.
 - b. The maximum height shall be 30 feet.
 - c. No part of the sign face or structure shall be located in or overlap into the required side or rear yard setbacks or public right-of-way.
 - d. The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.
 - (b). Directional Sign
 - (i). In conformance with the provisions of Article 17A.02.
- (3). Maintenance and Removal. Every sign shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owners expense.
- (4). Permit Fees. Every applicant, before being granted a permit, shall pay a fee. For any sign erected or placed without a permit, the fee shall be double the established fee.
- (D). Buffer Requirements
 - (1). A buffer or other form of visual screening shall be provided when certain identified land uses or districts abut other identified land uses or districts:
 - (a). The uses or districts necessitating a buffer as defined in this section are identified in Table 1. A buffer should be provided between any nonresidential and residential use, except for when agricultural and residential uses abut.
 - (b). Any outdoor storage area and/or garbage storage.
 - (2). Where required, the buffer shall consist of the widths identified in Table 1 and Table 2. Materials required in each buffer are identified in Table 3.
 - (3). For each bufferyard, the required materials in Table 3 shall be spaced evenly on center to the length of the required bufferyard.

Table 1: Bufferyards (width in feet)				
<i>Developed Use</i>	<i>Neighboring Use</i>			
	Agricultural	Residential	Commercial	Industrial
Agricultural				
Residential				
Commercial		30	15	10
Industrial		40	20	15

***All commercial uses which are allowed within the industrial zoned areas must meet the requirements set forth within the industrial zoning districts.**

Table 2: Specific Use Bufferyards (width in feet)		
<i>Developed Use</i>	<i>Neighboring Use</i>	
	Parks	Schools
Agricultural		
Residential		
Commercial	30	30
Industrial	40	50

Table 3: Bufferyard Materials	
Buffer Width	Required Materials Per 100 Linear Feet*
10 feet wide	4 trees
15 feet wide	5 trees
20 feet wide	6 trees
25 feet wide	7 trees
30 feet wide	8 trees
35 feet wide	9 trees
40 feet wide	10 trees
50 feet wide	12 trees

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- (E). Fencing
 - (1). The location of the fence within the bufferyard shall be determined between the applicant and the adjacent property owners.
 - (2). The “good side” of the fence shall always face the adjacent properties.
 - (3). The fence shall be 6 feet in height, opaque and constructed of treated wood, Polyvinyl Chloride (PVC), galvanized or vinyl coated chain link fence with privacy slats of an earth tone color (90% Opacity Required). Posts shall be anchored appropriately for material used, and designed to support fence height.
- (F). Lighting
 - (1). All lighting used for illumination outdoors shall be arranged so as to deflect light away from any adjoining property and from public streets through full cut-off fixture type and location (i.e. there should be no light trespass).
- (G). Parking
 - (1). All parking within the Red Rock Corridor shall be regulated in conformance with the provisions of Article 16.00.
 - (2). The Planning Director may require a buffer if vehicle headlights from any vehicles entering, parking, standing, or exiting would shine onto residentially used property. If the site cannot be screened from residentially used property, the hours of operation may be restricted to preclude operation between the hours of 10:00 p.m. and 6:00 a.m., or any portion thereof as determined by the Planning Director.

14B.04 VARIANCE. Application for a variance may be made to the Zoning Board of Adjustment as outlined in Article 21.00 of this ordinance.

**ARTICLE 15.00
ADDITIONAL USE REGULATIONS**

- SECTIONS:
- 15.01 Fences
 - 15.02 Adult Uses
 - 15.03 Wind Energy Conversion Systems
 - 15.04 Home Occupations
 - 15.05 Mineral Exploration and Development
 - 15.06 Mobile Homes/Manufactured Homes
 - 15.07 Accessory Building and Uses
 - 15.08 Salvage Operation or Junkyard
 - 15.09 Solar Energy Conversion System
 - 15.10 Intersection Safety Zone
 - 15.11 Additional Yard Regulations
 - 15.12 Additional Height Regulations
 - 15.13 Airport Approach Zones
 - 15.14 Rock, Sand and Gravel Extraction
 - 15.15 Telecommunications Towers, Antenna Support Structures and Wireless Communications Facilities
 - 15.15-1 Broadcast Tower
 - 15.16 Temporary Uses
 - 15.17 Vehicle & Equipment Restrictions

15.01 FENCES. Regulations regarding fences shall be as follows:

- (a) Fences up to four feet in height may be located on any part of the lot except that such a fence may not be more than 30 percent solid if located within 30 feet of a street intersection, measuring along the property line.
- (b) Fences up to six feet in height may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

EXCEPTIONS:

- (1) Fences up to six feet in height may be placed in the side-street-side front yard where:
 - a) The side-street-side front yard abuts an arterial street shown on the major street plan.
 - b) The side-street-side front yard is not adjacent to a side yard.
 - c) The fence is located no closer to the front yard than the rear wall of the main building.
 - d) No driveways exit on to the arterial street.
- (2) In the C, I-1 and I-2 zoning districts, fences not more than eight feet in height may be located on any part of a lot other than the required front yard except when such lot is adjacent to a residential district.

15.02 ADULT USES. In the development and execution of these regulations, it is recognized

that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

- (a) None of the following permitted uses may be established, operated or maintained within 1320 feet of a residence, a residential district, a public playground, a child welfare agency, a place of worship, a private or public school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public recreation facility.
- (1) Adult bookstore and /or video/DVD store.
 - (2) Adult theater.
 - (3) Adult photo studio.
 - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - (5) Any use intended to provide adult amusement or entertainment.
 - (6) Adult mini motion picture theater.
- (amended 8-18-08 by MC30-20-08)*
- (b) Not more than two of the following permitted uses may be established, operated or maintained within 1,000 feet of each other:
- (1) Adult bookstore and /or video/DVD store.
 - (2) Adult theater.
 - (3) Adult photo studio.
 - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - (5) Any use intended to provide adult amusement or entertainment.
 - (6) A bar.
 - (7) A liquor store.
 - (8) Adult mini motion picture theater.
- (amended 8-18-08 by MC30-20-08)*
- (c) The 1,000 foot restriction provided for in 15.02(B) above may be waived and a conditional use permit issued upon proper application if the County and City find:
- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these regulations will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a 'skid row' area.
 - (3) That all applicable regulations will be observed.
- (d) None of the uses listed in 15.02(a) may remain open at any time between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 2:00 a.m. and 12:00 noon on Sunday.
- (amended 8-18-08 by MC30-20-08)*

15.03 WIND ENERGY CONVERSION SYSTEMS. The regulations regarding Wind Energy Conversion Systems (hereafter referred to as WECS) shall be as follows:

- (a) Limited Use. No WECS installed in accordance with the requirements of these regulations shall generate power as a commercial enterprise as defined by the Public Utility Commission.
- (b) Setback Requirements. The minimum distance between the property line, overhead utility lines or another wind turban, and any tower support base of a WECS shall be equal to the proposed tower height (plus the radius of the rotor for the horizontal access machines).

Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Commissions for their approval.

- (c) Tower Access. Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus so there is access to it no lower than 12 feet from the ground.
- (d) Electromagnetic Interference. If a WECS is installed in any location along or within the major access of an existing microwave communications link, the person desiring to install the WECS shall be required to provide a letter from the business whose link they are within or adjacent to stating that the business whose link is affected would have no objection to the installation of the WECS.
- (e) Air Space. A WECS shall be located or installed in compliance with the guidelines of the Federal Aviation Administration Regulations with regard to Airport Approach Zones and clearance around VOR stations.
- (f) Interconnect. The WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company.

15.04 HOME OCCUPATIONS. The regulations regarding home occupations shall be as follows:

- (a) The occupation must be conducted within a dwelling.
- (b) The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
- (c) Only members of the immediate family residing on the premises may be employed by or participate in the home occupation.

- (d) The entrance to the space devoted to such occupation must be from within the building.
- (e) There shall be no display of products visible in any manner when viewed from outside the dwelling.
- (f) No advertising or display signs shall be permitted other than a name plate attached to the dwelling. The nameplate shall not be illuminated and shall not be more than two square feet in area. No off premise signs shall be used.
- (g) Such occupations shall not required substantial internal or external alterations or involve construction features not customary in a dwelling.
- (h) No merchandise, including samples, can be sold on the premises.
- (i) The occupation shall not generate more than four (4) visits per day from clients, customers and delivery vehicles. Delivery vehicles shall be limited to auto, pick up, or service truck.
- (j) The occupation shall not result in additional off-street parking spaces for clients or customers.
- (k) Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.
- (l) No equipment or process shall be used in the occupation which creates, noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.
- (m) No equipment or process shall be used in the occupation which creates visual or audible electrical interference in any radio or television receiver or causes fluctuation in line voltage off the property.
- (n) A zoning permit shall be secured for all home occupations in conformance with the procedure outlined in Article 23.00.

15.05 MINERAL EXPLORATION & DEVELOPMENT. The regulations regarding mineral exploration and development shall be as follows:

- (a) Exploration for minerals may be approved by conditional use permit only as long as the following minimum requirements are met:
 - (1) The applicant shall provide:
 - a) A description of the mineral or minerals which are the subject of the exploration.
 - b) Maps showing the general area within which the exploration operation will be conducted.
 - c) A detailed description of the regional environmental conditions, to include surface land use and vegetation, as well as a detailed description of the

area's geologic formations and hydrology from the best available scientific sources.

- d) Maps indicating the location of the drill sites to the nearest section of land, a technical description of the exploration process, the types of equipment to be used, and the estimated time table for each phase of work and for final completion of the program.
 - e) A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed exploration.
 - f) A description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the areas ecological balance and any other related hazard to public health and safety.
 - g) A plan for reclamation of the land to its original condition after exploration is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources and the proposed future use of the lands explored and adjacent lands. The reclamation plans include :
 - reclamation schedule
 - methods of plugging drill holes
 - methods of severing and returning topsoil and subsoil.
 - methods of grading, backfilling and contouring of exploration sites and access roads
 - methods of waste management and disposal, including liquid and solid wastes
 - methods of revegetation
 - h) A surety performance bond in an amount to be determined by the City Council and Board of County Commissioners to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of the affected ground and surface waters. The amount shall be set by the City Council and Board of County Commissioners based on an estimate of the cost of reclamation and decontamination. The bond shall be released five years after exploration has ceased unless the governing bodies find for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed. The amount of the surety bond may be reduced by the governing bodies, if a bond is held by the State of South Dakota for the same purpose, by the same amount of the latter bond.
- (2) The applicant shall identify specific phases when monitoring and inspection of the exploration activities shall be conducted by city, county, state, federal or independent personnel to assure compliance with all applicable rules and regulations. If a conditional use permit is granted, the permit shall identify such inspection agency and it shall be the responsibility of the applicant to notify said

agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the governing bodies.

- (3) A conditional use permit shall be issued only after all of the conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of exploration activities.
- (b) Mineral extraction and/or mining may be approved by conditional use permit only as long as the following minimum requirements are met:
 - (1) The Applicant shall provide:
 - a) A description of the mineral or minerals to be mined or milled.
 - b) Maps showing the area within which the mining or milling operations will be conducted.
 - c) A description of the surface land use and vegetation, as well as a description of the nature and depth of the top soil and subsoil.
 - d) An environmental assessment which establishes base line conditions for radioactive intoxicant materials and air, ground and surface waters, soils, vegetation and animals.
 - e) A description of the overburden, mineral seams, and other geologic formations, their conductivities and hydraulic gradients, known to exist above the deepest projected depth of the mining operation.
 - f) A description of the hydrology to the deepest projected depth of the mining operation, including mapping of the depth, water table level, extent, and flow characteristics of ground water and aquifers for the hydrologic regime of the ground water and drainage basins affected by the mining or milling operation.
 - g) A technical description of the mining or milling, types of equipment to be used, detailed site plan of all anticipated construction, an estimated timetable for each phase of work and for final completion of the program, a statement of source, quality, and quantity of water to be used in the mining or milling operations, as well as the chemical and radioactive characteristics of all mined or milled products, waste products, and emissions to the environment.
 - h) A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the mining or milling operations.
 - i) A description of the proposed plan to address the identified environmental impacts to include:
 - methods of separating the topsoil, subsoil, and soil piles, protecting them from erosion before reclamation begins, and keeping the topsoil free from acid or toxic materials

- plan for insuring that acid forming or toxic materials constituting a hazard uncovered or created during mining or milling are promptly treated in a manner to prevent water and air contamination
 - measures to maintain the quantity and quality of ground and surface water, hydrologic balance, productivity of farmland, and soil and water recharge capacity
 - procedures to prevent water and air contamination through radioactive or toxic seepage of runoff from tailings, ponds, mine wastes, mine dewatering discharge, or other mining and milling related operations.
- j) A plan for the reclamation of the land after mining is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands mined and adjacent lands, and shall include:
- a reclamation schedule
 - methods of grading, backfilling and contouring of disturbed areas and access roads.
 - methods of waste management and disposal, including liquid and solid wastes
 - methods of revegetation.
- k) A surety performance bond in an amount to be determined by the City Council and Board of County Commissioners to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of affected ground and surface waters. The amount shall be set by the City Council and Board of County Commissioners based on an estimate of the cost of reclamation and decontamination. The bond shall be released five years after mining and milling has ceased unless the governing bodies find, for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed. The amount of the bond may be reduced by the Commissioners if a bond is held by the State of South Dakota for the same purpose, by the same amount of the latter bond.
- (2) The applicant shall identify specific phases when monitoring and inspection of the mining and milling process shall be conducted by city, county, state, federal or independent personnel to assure compliance with all applicable rules and regulations. If the conditional use permit is granted, the permit shall identify the inspection agency and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the

governing bodies.

- (3) A conditional use permit shall be issued only after all conditions specified therein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of the mining and milling.
- (c) Solution mining and/or in situ mining of an ore body with the circulation of chemicals through injection and recovery wells for minerals is prohibited.

15.06 MOBILE HOMES/MANUFACTURED HOMES. Regulations regarding mobile homes and manufactured homes shall be as follows:

- (a) A park intended for the placement of mobile homes and manufactured homes on rented lots and where the roads are not publicly dedicated shall meet the following minimum standards:
 - (1) A plan shall be prepared showing the layout of the park, including lot lines and road system. Upon approval of the conditional use permit for the park, the plan shall be filed in the County Planning Department and govern all future development.
 - (2) Each lot shall have a minimum size required for the zoning district in which the park is located. However, a smaller lot size may be approved as part of the conditional use permit.
 - (3) No dwelling or any structure, addition, or appurtenance thereto shall be located less than the minimum setback required by the district in which the park is located. The setback requirements may be changed as part of the approval of the conditional use permit.
 - (4) Each lot shall abut or face a clear unoccupied space, roadway, or street having a width of at least 34 feet where parking is permitted on both sides, 27 feet in width where parking is restricted to one side only and 24 feet wide where parking is prohibited, or be connected to such street or roadway by a private driveway not less than 12 feet in width, serving no more than four lots. A hard surfaced material shall be used on all roadways except in the RR District, in which case gravel may be used.
 - (5) The park shall be a minimum of 10 acres in size.
- (b) A subdivision for manufactured homes shall be required to meet the subdivision regulations and the density, area and yard requirements for the district in which it is located. The subdivision shall be a minimum of 10 acres in size.
- (c) A conditional use application for a manufactured home , when located outside a park or subdivision, will be judged on the compatibility of the structure compared to neighboring dwelling units, including, but not limited to, width; length; area; number of stories; siding and roofing materials; roof style and pitch; and condition. In no instance shall the minimum width of the structure, exclusive of overhangs, be less than 22 feet.

- (d) Manufactured homes and mobile homes existing prior to the effective date of adoption of these regulations may be replaced with another such structure by making application for a conditional use permit. The compatibility of the replacement dwelling with neighboring dwellings shall be considered in reviewing the conditional use request.
- (e) A mobile home or manufactured home may be located on land owned by the residents during the construction of a dwelling thereon, and must be removed upon completion of the dwelling or after one year, whichever occurs first.
- (f) All mobile homes and manufactured homes as defined in Article 24.00 must be located in conformance with these requirements.

15.07 ACCESSORY BUILDING AND USES. The regulations regarding accessory buildings and uses shall be as follows:

- (a) Limited Use. Accessory buildings and uses are buildings and uses customarily incident to any of the permitted uses in the district in which it is located. In the A-1, RR, RS, RD, and RA districts, accessory buildings and uses are limited to:
 - (1) A noncommercial greenhouse that does not exceed in floor area 25 percent of the ground floor area on the main building.
 - (2) A private residential structure used only for the storage of noncommercial vehicles and other related material.
 - (3) Tennis court, swimming pool, garden house, pergola, ornamental gate, barbeque oven, fireplace, and similar uses customarily accessory to residential uses.
 - (4) Home occupation in conformance with Section 15.04.
 - (5) Temporary storage and distribution of seed and similar type products provided the use is located within a farmstead, the product is stored within a completely enclosed building typical of farm buildings and the use is limited to the seasonal sale of products from the premises.
- (b) Time of Construction. No accessory buildings shall be constructed upon a lot until the construction of a main building has been actually commenced, and no accessory buildings shall be used unless the main building on the lot is also being used.
- (c) Setback Requirements.
 - (1) Accessory buildings which are attached to or located within 10 feet of the main building shall be considered a part of the main building and shall comply with the same yard requirements as the main building.
 - (2) Accessory buildings not a part of the main building, when located in the required rear yard, shall be no closer than three feet to the side and rear property lines.
- (d) Location of Accessory Buildings. Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:
 - (1) In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use permit has been approved.
 - (2) In all Residential Districts, the total area of accessory buildings shall not exceed

- 1200 square feet unless a conditional use permit has been approved.
- (3) In a Planned Development District, the total area of accessory buildings shall not exceed 1200 square feet unless a minor amendment has been approved.

15.08 SALVAGE OPERATION OR JUNKYARD

A business may be operated within a permanent building which complies with the adopted building code, or in a yard enclosed by a solid fence, which must totally screen the salvage material from view from outside the property. The fence must extend from grade level to a height equaling the maximum height to which fences may be built under Chapter 15.01 of this Code for the district where the property is located. *(amended by MC30-15-07 07-18-07)*

15.09 SOLAR ENERGY CONVERSION SYSTEM. *(amended by MC30-34-14 on 7-28-14)*

The regulations regarding commercial Solar Energy Conversion Systems (hereafter referred to as SECS) shall be as follows:

- 1) Intent
 - a) The intent of regulations for Solar Energy Conversion Systems is to encourage the development of alternative sources of energy while protecting the health, safety and welfare of the public.
- 2) SECS Standards. The following standards apply to Commercial SECS:
 - a) Commercial SECS shall be permitted only on lands zoned A-1 Agricultural, C-Commercial, I-1 or 1-2 Industrial, or RC Recreation/Conservation with the issuance of a conditional use permit.
 - b) Signs. No advertising signs or logos shall be permitted on the SECS. One (1) project identification sign, not to exceed twenty (25) square feet, shall be allowed.
 - c) An interconnection agreement must be completed with an electric utility.
 - d) Public Roads. The permittee shall obtain all locally required road permits for construction. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the SECS project and shall notify the governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the SECS. Where practical all-weather roads shall be used to deliver all other heavy components to and from the SECS site.

The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate governmental body having jurisdiction over approved haul roads for construction of the SECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and

components. The permittees shall notify the County Planning Department of such arrangements.

- e) Private Roads. The permittee shall promptly repair private roads, easements or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- f) Dust Control. The permittees shall utilize all reasonable measures and practices of construction to control dust.

- g) Stormwater Pollution Prevention Plan (SWPPP) and Soil Erosion and Sediment Control Plan.

The permittees shall develop a SWPPP and Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Planning Department. The SWPPP and Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material.

- h) Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards for solar energy systems.

Standards i through k must be provided as part of a complete Conditional Use Permit Application

- i) Application Contents. Every application for a commercial SECS permit shall include the following information:
 - i) Name and address of the applicant.
 - ii) Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.
 - iii) Site Plan. A plot and development plan drawn in sufficient detail to clearly describe the following:
 - (1) Physical dimensions and locations of the property, existing structures, and proposed structures.
 - (2) Location of electrical lines and facilities.
 - (3) Existing topography.

- (4) Proposed grading and removal of natural vegetation.
- (5) Setbacks.
- iv) General information on the typical type, size, height, rated power output, performance, and safety, of each SECS model, and electrical transmission equipment.
- v) A location map to scale of all occupied structures within ½ mile of the boundary of the property upon which the SECS is to be located.
- vi) An application including any SECS which is located within a 100-year flood plain area, as such flood hazard areas are shown on the maps designated by FEMA, shall be accompanied by a Flood Plain Development Permit.
- vii) Project schedule with anticipated construction date and completion date.
- viii) A Staging Area Plan depicting properties where materials and construction equipment will be stored during the installation process.
- j) If the Planning Director determines it is necessary, the application shall be accompanied by a photograph or detailed drawing of each model of SECS; and one or more detailed computer or photographic simulation drawing showing the site fully developed with all proposed SECS and accessory structures. Such additional information as shall be required by the Planning Director.
- k) Decommissioning/Restoration/Abandonment
 - i) Decommission Plan. Within 120 days of completion of construction, the permittees shall submit to the County Planning Department a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out the restoration requirements when they go into effect. The permittee of the SECS shall ensure that it carries out its obligation to provide the resources necessary to fulfill these requirements. The County Planning Department may at any time request the permittee of the SECS to file a report with the County Planning Department describing how the permittee is fulfilling this obligation. A Commercial SECS shall be deemed inoperable if it has not generated power for 12 consecutive months.
 - ii) Site Restoration. Upon expiration of this permit, or upon earlier termination of operation of the SECS, the permittee shall have the obligation to dismantle and remove from the site all electrical generating equipment, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four feet. To the extent possible, the permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no

removal shall be recorded with the County Planning Department and shall show the locations of all such foundations. All such agreements between permittee and the affected landowner shall be submitted to the County Planning Department prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition with eighteen (18) months after expiration.

- iii) Providing Surety. The Planning Director shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This may include establishing an escrow account into which the project developer/ permittee will deposit funds on a regular basis over the life of the project. The unit of government shall then have access to the escrow account for the explicit purpose of decommission. Financial provisions shall not be so onerous as to make SECS projects unfeasible.

3) Application Review

- a) Conditional Use Permit. A conditional use permit is required for a Commercial SECS
- b) Technical Issues and Expert Review.

Solar Energy Conversion Systems may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Planning Director may require the applicant to pay reasonable costs of a third- party technical study of a proposed facility. Selection of expert(s) to review the proposal will be in the sole discretion of the County.

- c) Building Permit. Conditional Use Permit approval of Solar Energy Conversion Systems is separate from the building permit process. Building permits for the construction of facilities cannot be issued until the facility is approved through the conditional use permit process.

15.10 INTERSECTION SAFETY ZONE *(amended by MC30-15-07 07-18-07)*

- (A). There shall be no obstructions, such as buildings structures, grain bins, baled agricultural products, farm machinery, vehicles or other objects, not including vegetation, within fifty (50) feet from a State, County, or section line highway right-of-way or thirty (30) feet from a platted right-of-way.
- (B). Intersection Safety Zone Requirements
 - 1) At every intersection of two roads or a road and a railroad right-of-way, there shall be an intersection safety zone triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between two and one half (2.5) feet and ten (10) feet above the elevation of the roadway. Agricultural crops, such as corn, are exempt from this regulation. Fences shall conform to Section 12.01 of this ordinance.
 - 2) Such intersection safety zone triangles shall be formed by the intersection centerlines and a line connecting points on the centerlines of the intersection roads or railroad right-of-way one hundred (100) feet distant from the

intersecting centerlines

15.11 ADDITIONAL YARD REGULATIONS.

- (a) Number of Main Buildings on Tract. No more than one main building shall be located on a tract or lot when used for residential purposes. When a tract or lot is used for commercial purposes, more than one main building may be located on the tract or lot provided such buildings conform to all yard requirements around the lot for the district in which the tract or lot is located.
- (b) Adjustments to Front Yard Requirements. Where, on the effective date of these regulations, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
 - (1) Where the building further most from the street provides a front yard not more than 10 feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - (2) Where this (1) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - (3) Where neither (1) or (2) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- (c) Adjustment to Side Yard Requirements. Buildings with side yard setbacks less than required by this ordinance, may have additions erected in line with the existing building and provided further that said addition will be erected no closer to the lot line than the existing building.
- (d) Projections From Buildings. Every part of any required yard shall be open to the sky and unobstructed except:
 - (1) Eaves may project into a front or rear yard thirty-six (36) inches, exclusive of gutters;
 - (2) Eaves may project into a side yard twenty-four (24) inches, exclusive of gutters;
 - (3) Ordinary projection of sills, belt courses, cornices, vertical solar screen, and ornamental features which may project twelve (12) inches;
 - (4) Air conditioners, not to exceed five (5) ton unit or parts thereof, may project into a required side yard, provided that such projections shall be distant at least three (3) feet from the adjacent lot line and shall not extend more than three (3) feet from the building. Such air conditioners may project into a required front yard, but shall not extend more than three (3) feet from the building, and such air conditioner may extend into one side of a corner lot;
 - (5) Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten (10) feet.
- (e) Porches and Terraces in Front Yards. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved

terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet.

- (f) Projection of Terraces, Porches, Platforms, and Ornamental Features. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard, provided these projections be distanced at least three (3) feet from the adjacent side lot line.

15.12 ADDITIONAL HEIGHT REGULATIONS.

- (a) Exceptions. The height regulations established in these regulations shall not be applied to:
- (1) Flag poles, domestic television antennas, church spires, chimneys or water towers, except when such structures shall be located in the airport approach zones.
 - (2) Mechanical appurtenances and elevator penthouses which are located on top of a building shall not exceed 12 feet in height above the maximum permitted in the district in which they are located.
 - (3) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
 - (4) Broadcast towers are exempt from the maximum height restrictions of this ordinance.

15.13 AIRPORT APPROACH ZONES.

- (a) Approach Zone:
- (1) Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to fifty (horizontal) projected from a point 200 feet beyond the end of a runway for a distance of 10,000 feet, said plane to be in the shape of symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of one (vertical) to forty (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical trapezoid 4,000 feet in width at its lowest point and 16,000 feet in width at its highest point.
 - (2) Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to forty (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point.

- (b) Transition Zones. Within the established transition zones adjacent to each instrument and non-instrument runway and approach zone, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to seven (horizontal). Transition zones extend outward and upward from a line (*) feet on either side of the center line of non-instrument runways for the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and non-instrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intercept to the surfaces of the horizontal and conical zones.
- (c) Conical Zone. Within (*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones.

Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (*) feet, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to twenty (horizontal).

Exception: Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to twenty feet above the surface of the land.

(*) The applicable distance in feet must be based on runway length as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.

15.14 ROCK, SAND AND GRAVEL EXTRACTION

- (a) Intent. This section addresses the application, review and regulation of extraction and on-site processing of rock, sand and gravel. An applicant must meet certain requirements as specified in Subsection C when filing for a conditional use permit in addition to the general requirements contained in other sections of the zoning regulations.

The developmental and operational criteria contained in Subsection G are intended to assist in the formulation of conditions to be imposed on individual extraction operations. The criteria have been designed to eliminate potential health risks and minimize the adverse impact on other land uses due to extraction operations.

The County and City will have the discretion of requiring more or less stringent conditions based upon the location of a proposed operation. It is also recognized that such operations will not be appropriate throughout all areas of the joint zoning jurisdiction. *(amended by MC30-04-03)*

- (b) Submission of Application. The application for rock, sand or gravel extraction shall be filed with the Office of Planning and Zoning on the prescribed conditional use form at

least 30 days in advance of a regularly scheduled joint meeting of the Planning Commissions.

- (c) Application. The conditional use application shall be accompanied by the following:
- (1) Maps showing the area within which the extraction operations will be conducted, including areas to be disturbed, setbacks from property lines, and the location of all structures, equipment and access and haul roads.
 - (2) A description of the surface land use and vegetation, including all pertinent physical characteristics.
 - (3) A hydrologic study which shall include all available information from the State Geological Survey and other information pertinent to the application. If the applicant believes a study is not warranted, documentation shall accompany the application in support of this position.
 - (4) A reclamation plan which takes into consideration the criteria listed in Subsection G - reclamation.
 - (5) The applicant shall meet with the township supervisors of the affected township to discuss repair and maintenance responsibilities on township roads to be used as haul routes. A summary of the meeting(s) shall be presented with the application.
- (d) Fee. If a conditional use permit is granted, the operator shall pay to the County an annual fee of \$10 per acre of land which is being disturbed by the extraction activities and has not been reclaimed. The fee shall be used to defray the direct and indirect costs associated with general administration and enforcement of this section. The fee shall be payable by January 20th of each year and deposited in the general fund of the County. The disturbed land area existing on January 1 of each year shall be used in calculating the fee.
- (e) Notification Requirements. In addition to the notification requirements of Article 19.00, the Planning Director shall notify by U.S. mail all property owners of record within one mile of the proposed conditional use area or the owners of the thirty properties nearest to the affected property, whichever affects the least number of owners, of the time, date, place and purpose of the public hearing. The notice shall be mailed not less than 15 days prior to the public hearing.
- (f) [Reserved].
- (g) Developmental and Operational Criteria.. The following criteria shall be considered in developing conditions for applications involving rock, sand and gravel extractions. More stringent requirements may be imposed by the County and City or the applicant may present arguments to relax the requirements based on specific characteristics of the site.
- (1) Buffer Area.
 - a) A minimum distance of 1000 feet should be maintained between an existing residence and a rock, sand or gravel operation, except in those instances when the operator secures a waiver from the affected landowner.

- (2) Hours of Operation.
 - c) Monday thru Friday - 7:00 A.M. to 6:00 P.M., Saturday - 8:00 A.M. to 12:00 noon. Operations should not be conducted on legal holidays. Activities such as office or maintenance operations which produce no noise off-site should not be restricted by the hours of operation.
 - b) Blasting should be scheduled on weekdays at 12:00 noon. There should be no blasting on legal holidays. Area residents should be notified of the date and time of each blast.

- (3) Visual Considerations.
 - a) Earth berms and vegetation should be employed to minimize visual impacts and reduce the effects of noise.
 - b) The need for and placement of berms should be determined by the orientation and position of the excavation site with respect to residences and roadways. Berms should be located in such a way as to restrict the public's view of the property. Consideration should be given to placing the berms as close to the public point of view as practical. Generally, berms should be six feet in height and seeded immediately after construction to avoid soil erosion. Berms should be maintained and kept reasonably free of weeds.
 - c) The operator should work with the County Conservation District and County Planning Director to develop a planting program. Consideration should be given to planting one or more of the following: evergreen, Russian olive, ash, caragana, crab apple, lilac and buffalo berry. The plants should be properly cared for to ensure the highest survival rate and all dead plants replaced during the current planting season. As a minimum, the program should include trees of varying maturity. The planting program should be reduced to writing and kept on file in the County Planning Department.
 - d) At a minimum, berms should be constructed prior to blasting or the extraction of rock, sand or gravel.

- (4) Blasting.
 - a) Ground vibration and over pressure (air blast) should be monitored for each blast and not exceed guidelines established by the U. S. Bureau of Mines.

- (5) Noise.

The noise level produced from rock, sand and gravel operations should not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest existing residence to the extraction operation. Off-site activities which contribute to background noise levels should be taken into consideration when monitoring an operation. Blasting should not be recorded as part of the noise level.

- (6) Air Quality.

- a) Air quality monitoring should be conducted at the operator's expense when conditions warrant.
 - b) Ambient air quality: total suspended particulate matter - 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an arithmetic mean; PM¹⁰ (10 micrometers or less in size) consistent with the regulations of the State of South Dakota.
 - c) Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations.
 - d) Dust control agents should be applied to township gravel roads designated as haul routes and all driving surfaces within the extraction area.
- (7) Hydrology, Dewatering and Drainage.
- a) Existing wells should be monitored at the operator's expense to document changes in hydrologic conditions around extraction sites.
 - b) Dewatering of the extraction site should not result in downstream flooding.
 - c) Berms should not interrupt the natural drainage of the area, unless such diversion is part of an approved drainage control system.
- (8) Haul Roads.
- a) In order to minimize the negative impact of truck traffic on area residents, extraction operations should be located on or near existing hard surfaced roads. Consideration should be given to the number of residents located along gravel surfaced roads intended for use as haul roads.
 - b) Identify repair and maintenance responsibilities through a haul road agreement.
 - c) Consider the potential impact on County highways to be used as haul routes.
- (9) Operator Surety.
- a) A surety performance bond may be required in an amount to be determined by the Planning Commissions to assure that sufficient funds will be available to protect the County and City in the event the operator abandons a site without completing the conditions imposed by the conditional use permit, including reclamation, fulfillment of the agreement with the township concerning repair of designated haul roads and, if necessary, decontamination of affected ground and surface waters. In lieu of the required surety, the operator may deposit cash with the County in the amount equal to the required surety.
- (10) Reclamation.
- a) The type and extent of reclamation should be based on the type of material extracted on the intended post-mining land use, but in all cases the reclamation procedures should result in the rehabilitation of affected land through contouring and soil stabilization, revegetation and other

appropriate means so as to create the least amount of unsightliness and most appropriate future use of the reclaimed area. Bodies of water may be incorporated into an acceptable reclamation plan.

- b) Provide maps, including cross sections, showing the existing natural topography and anticipated topographic conditions upon completion of reclamation.
- c) Grading should achieve a contour that is most beneficial to the proposed future land use. All berms should be removed where sand and gravel operations were conducted. In most cases involving quarry operations, the berms should remain in place unless their removal would serve a more useful purpose.
- d) Topsoil should remain on site and be used during reclamation.
- e) A seeding and revegetation plan should be developed for the affected area in consultation with the County Conservation District.
- f) All required reclamation activities should be completed and a compliance inspection performed by the County Planning Director prior to the release of the surety.

(11) Additional Considerations.

The maximum height of a bench in a quarry should be 30 feet.

The property should be secured during non-working hours by means of gates and fencing. The property should continue to be secured until all required reclamation activities have been completed.

15.15 TELECOMMUNICATIONS TOWERS, ANTENNA SUPPORT STRUCTURES AND WIRELESS COMMUNICATIONS FACILITIES.

- (a) Intent. Regulations regarding development of telecommunications towers, antenna support structures and wireless communications facilities are intended to encourage the development of a competitive wireless communications marketplace while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The regulations cover the placement, construction, and modification of telecommunications towers, antenna support structures and wireless communications facilities. The specific intent of this section is:
 - (1) To regulate the location of telecommunications towers, antenna support structures and wireless communications facilities;
 - (2) To protect residential areas and land uses from potential adverse impact of telecommunications towers, antenna support structures and wireless communications facilities;
 - (3) To minimize adverse visual impact of telecommunications towers, antenna support structures and wireless communications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - (4) To promote and encourage shared use/co-location of telecommunications towers, antenna support structures and wireless communications facilities;
 - (5) To avoid potential damage to property caused by telecommunications towers, antenna support structure and wireless communications facilities by insuring that

- such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
- (6) To insure that telecommunications towers, antenna support structures and wireless communications facilities are compatible with surrounding land uses;
 - (7) To facilitate the provision of wireless communications services to residents and businesses in an orderly fashion;
 - (8) To promote the location of telecommunications towers in non-residential areas.
- (b) Application Required. The following item must be satisfactorily addressed in a formal application to obtain a building permit at any given location in any zoning district:
- (1) Compliance with all applicable building codes, Federal Aviation Administration Regulations and Section 15.13, Airport Approach Zones.
- (c) Location/Setbacks.
- (1) Where a telecommunications tower is located within 300 feet of any residential zoning district, existing residential use except a farmstead, or future residential area designated on the adopted Land Use Plan, the minimum distance from the telecommunications tower base to the nearest existing residential structure or building setback line is not less than the proposed height of the tower.
 - (2) Where a telecommunications tower is required to meet Federal Aviation Administration paint and/or lighting regulations, the distance between the telecommunications tower and any residential zoning district or use, or any Recreation/Conservation District, shall not be less than one-half mile.
- (d) Design Character.
- (1) Telecommunications towers and antenna support structure design shall use materials, colors, textures, screening and landscaping that create compatibility with the natural setting and surrounding structures.
 - (2) Telecommunications towers shall be protected from corrosion or rusting, and if painted, be a neutral color, unless otherwise required by the Federal Aviation Administration.
- (e) Stealth. Telecommunications towers in any non-residential district where located within 300 feet of a residential zoning district or existing residential use except a farmstead, shall be monopole design.
- (f) Interference With Public Safety Radio Services. In order to insure that public safety radio services will be free from harmful or destructive interference, any applicant requesting a permit to site a telecommunications tower, antenna support structure or wireless communications facility shall provide documented Federal Communications Commission approval prior to permit issuance.
- (g) Illumination. Telecommunications towers shall not be artificially lighted except as required by the Federal Aviation Administration.

(h) Maintenance.

- (1) All telecommunications towers, antenna support structures and wireless communications facilities shall be maintained in good condition, order, and repair so that they shall not endanger the life or property of any person.
- (2) Telecommunications towers, antenna support structures and wireless communications facilities shall be maintained in compliance with Electronic Industries Association/Telecommunications Industries Association Standard EIA/TIA 222 (latest revision), all applicable laws, and so as not to interfere with the use of other property. Upon the County Planning Director's determination that a tower structure is a hazard to public safety, the owner shall be required to perform an inspection by a registered professional engineer and make all recommended corrections.
- (3) All maintenance or construction on telecommunications towers, antenna support structures and wireless communications facilities shall be performed by persons employed by, or under contract to the owner.
- (4) If an owner discontinues use of a telecommunications tower, or if an owner files notice with the Federal Communications Commission of its intent to cease operating the tower, the owner shall give written notice to the County Planning Director of the date of such discontinuance.

(i) Abandonment.

- (1) If the County receives notice of discontinuance, or if any telecommunications tower is not used for 365 consecutive days, the owner may be notified that a determination of abandonment has been made. If, within 30 days of receipt of notice, the owner fails to show that the tower has been in use or under repair during the period, the County Planning Director may determine that the site has been abandoned.
- (2) Within 75 days of notice of such determination of abandonment, the owner shall remove the tower from the site. If an owner fails to do so, the County may remove the tower and recover the cost from the owner.

- (j) Where a conditional use permit is required for approval of telecommunications towers and antenna support structures, the following will be considered: *(amended 08/17/09 by MC 30-02)*

(1) Design Character.

- (a) Telecommunications towers, antenna support structures and equipment buildings shall be compatible with the architectural style of the surrounding built environment, considering exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings may be located underground where feasible. To prevent undue concentration of telecommunications towers, consideration should be given to co-location as a first alternative.
- (b) Wireless communications facilities on new telecommunications tower structures, antenna support structures, or co-located on existing telecommunications towers shall minimize visual impact.

(2) Screening.

- (a) A telecommunications tower site and tower base adjacent to residential property, except when located in a farmstead, shall be provided with a fence, wall, berm, or shrubbery of sufficient height and of a character necessary to provide adequate visual screening. Where the adjacent property is across public right-of-way from a telecommunications tower site, screening shall be provided in all cases except when the right-of-way is an arterial street.
- (b) Existing vegetation and grades on the site shall be preserved as much as possible. Natural growth around the property perimeter on large, wooded lots may be considered a sufficient buffer to telecommunications towers. In locations where the visual impact of the telecommunications tower would be minimal, the screening requirement may be reduced or waived.

- (3) Fencing. Adjacent to a residentially used or zoned property, natural materials shall be used for fence screening. If chain-link fencing is needed for safety and security, additional landscape screening shall be required outside the chain-link fence to screen public view of the telecommunications tower site.

15.15-1 BROADCAST TOWER.

- (a) Location of the tower shall be done with consideration for public safety in the event that the tower would fall and to minimize adverse visual impact of broadcast towers through careful design, siting, and screening. Care should be taken to avoid interference with any similar broadcast use and in no event shall such tower be located in any airport approach zone. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb. *(amended 08/17/09 by MC 30-02)*

15.16 TEMPORARY USES

- (a) Intent. The requirements of this section are intended to provide for the regulation and permitting of uses and associated improvements on private property which are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, including public rights-of-way.
- (b) Permit Required. No person shall operate a temporary use without first obtaining a permit therefor from the County Planning Department as prescribed in this section. If an objection is filed pursuant to Section 15.16 (F) or if the County Planning Department determines that a hearing should be held due to the scope of the proposed use, the temporary use application shall be referred to the Planning Commissions for action. A date for public hearing shall be set at which time the County and City Planning Commissions shall meet jointly to consider the application. At the joint meeting, the Planning Commissions shall decide by a vote of each body whether to grant the temporary use permit. When the Planning Commissions are not in agreement, the application shall be considered denied.

- (c) Applications.
- (1) Submission deadline. All applications for a temporary use permit shall be made to the County Planning Department at least 60 days prior to the proposed commencement date of the use, provided a lesser time may be allowed consistent with the requirements of this section.
 - (2) Temporary use plan. All temporary uses shall be subject to approval of a temporary use plan. The plan shall describe the nature and location of all temporary improvements and activities, the location of any permanent buildings intended to be used, the time period for which the temporary use permit is requested, and such other information in sufficient detail as the County Planning Department determines is reasonably necessary to adequately review the application and to ensure the use will be conducted in a manner consistent with the requirements of this section.
- (d) Fee. A fee of \$250 shall accompany the application for a temporary use permit. (*amended by MC30-08-05*)
- (e) Standards for Review. The following standards shall be used in determining the suitability and compatibility of a temporary use:
- (1) The temporary use will have no adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
 - (2) The temporary use will not create hazardous traffic conditions or result in traffic in excess of the capacity of the roads serving the use.
 - (3) The site is adequate to accommodate the proposed use, including the provision for on and off site parking.
 - (4) Adequate sanitation facilities will be available on the site.
 - (5) The time period and hours of operation for the temporary use are clearly specified.
 - (6) Provision is made for the removal, clean-up, and restoration of the site.
 - (7) The temporary use will not adversely impact the natural environment.
 - (8) The site is suitable for the proposed temporary use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health or property.
 - (9) All temporary improvements and any permanent structures proposed to be used will comply with all applicable provisions of the county's building code.
- (f) Notice. The County Planning Department shall send written notice of the temporary use permit application to the owners of all property located within 600 feet of the property involved. Written notice shall also be sent to the Sioux Falls Planning Department. Such notice shall be sent at least 14 days before the County Planning Department makes its determination on the temporary use permit. If any property owner so notified files a written objection prior to the time the County Planning Department makes its determination regarding the application, the application shall be referred to the Planning Commissions for action.
- (g) Conditions of Approval. Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public

ARTICLE 16.00
PARKING AND LOADING REGULATIONS

- SECTIONS: 16.01 Location
16.02 Off-Street Parking Requirements
16.03 Rules for Computing Parking Spaces
16.04 Minimum Improvements and Maintenance Standards
16.05 Off-Street Loading Requirements

16.01 LOCATION. All parking required by this article shall be located in conformance with the following requirements:

- (a) The parking lot shall be set back a minimum of 15 feet from the front property line.
- (b) Parking spaces for all structures shall be located on the same site as the structure such parking is intended to serve; except that by conditional use permit, parking may be located within 300 feet of the use it is intended to serve.

16.02 OFF-STREET PARKING REQUIREMENTS. Off-street parking for specific uses shall be required as follows:

- (a) Single Family and Two-family Dwellings: One space for each dwelling unit.
- (b) Multiple Dwellings: One and one-half spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
- (c) Multiple dwellings for the elderly and handicapped: .75 spaces for each dwelling unit.
- (d) Rooming and Boarding Houses, Sororities, and Fraternities: One space per two beds.
- (e) Private Club or Lodge: One parking space for each 300 square feet of floor area.
- (f) Church or Temple: One parking space for each four seats in the main auditorium.
- (g) School:
 - (1) Colleges and Universities: Because of the unique parking needs of colleges and universities, a permit application for new construction must include a parking study prepared by the applicant of the parking needs of the entire campus including the new use and the study must address a plan to meet the parking needs of the staff and students.
 - (2) High Schools: One parking space for each three students based on the building's design capacity.
 - (3) Junior High School: 25 spaces plus one parking space for each teacher and staff

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- member.
- (4) Elementary School: five spaces plus one parking space for each teacher and staff member.
- (h) Hospital: One and one-half parking spaces for each bed.
- (i) Sanitarium or Institutional Home: One parking space for each three beds.
- (j) Mortuary: One space for each 50 square feet of floor area in slumber rooms or one for each four seats in chapel, whichever is greater.
- (k) Auditoriums, Theaters, Other Places of Public Assembly: One parking space for each four seats.
- (l) Community Center, Library, Museum or Similar Public or Semi-public Buildings: Ten parking spaces plus one additional space for each additional 300 square feet of floor area in excess of 2,000 square feet.
- (m) Hotel or Motel: Five parking spaces plus one space for each sleeping room or suite.
- (n) Medical Office Building: Buildings in which 20 percent or more of the gross area is occupied by members of healing profession. One parking space for each 200 square feet of the gross area used for medical purposes.
- (o) Manufacturing or Industrial Establishments, Research or Testing Laboratory, Bottling Plant, Warehouse, or other Similar Establishments: Two parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- (p) Restaurant, Bar, Cafe or Recreation or Amusement Establishment Not Specified Herein: One parking space for each 100 square feet of floor area or one parking space per three fixed seats, which ever is greater.
- (q) Bowling Alley: Three spaces per alley.
- (r) Personal Services: One parking space for each 200 square feet of floor area.
- (s) Retail Stores Selling Furniture, Appliance, or Home Improvement Products (i.e. carpet, paint, wall paper, etc.): One parking space for each 600 square feet of floor area.
- (t) Other Retail Uses: One parking space for each 300 square feet of gross floor area except for planned shopping centers of 100,000 square feet of floor area or more who may reduce their requirement to one space for each 400 square feet of floor area.

- (u) All Nonresidential Buildings, Except Those Specified Above: One space for each 300 square feet of floor area.

16.03 RULES FOR COMPUTING PARKING SPACES. In computing the number of required off-street parking spaces, the following rules shall be applied:

- (a) Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking as herein defined.
- (b) Where fractional spaces result, the number of parking spaces required shall be the nearest whole number.
- (c) Whenever a building or use constructed or established after March 27, 1970, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change.
- (d) Whenever a building or use existing prior to March 27, 1970, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall than and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

16.04 MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS. Driveways, parking lots, and loading/unloading areas shall conform with the following improvement and maintenance standards:

- (a). Any driveways, parking lots, or loading/unloading areas in a commercial or industrial zoning district shall be constructed with a hard surface when the property is accessed from a hard surface road. Hard surfacing shall consist of:
 1. Concrete;
 2. Asphalt; or
 3. Crushed asphalt. Crushed asphalt shall be applied to the following specifications.
 - 1) A minimum 3 inches packed gravel base.
 - 2) Recycled asphalt packed to 4.5-5 inches.
 - 3) Chip seal shall be applied two (2) times.
 - 4) 2-4 inches of hot-mix asphalt shall be applied when the recycled asphalt material begins to break down.

(amended by MC30-24-10 on 3/15/10)

Exception: Truck terminals, heavy equipment display, service and rental, concrete and paving plants, construction yards and similar establishments need not hard-

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surface areas maintained as maneuvering or parking/storage areas for heavy equipment when such areas are not adjacent to a front yard setback or otherwise screened from the public right-of-way. *(amended by MC30-24-10 on 3/15/10)*

- (b). If a driveway, parking lot or loading/unloading area is not required to be hard surfaced in Section 16.04(a), a gravel surface shall be provided. The gravel surface shall be maintained to a minimum thickness of at least four inches.
(amended by MC30-24-10 on 3/15/10)
- (c) Adequate provisions shall be made for the disposal of storm water from a driveway, parking lot or loading/unloading area and the owner shall insure that such water does not flow onto adjoining property in a quantity or manner that would be detrimental thereto.
- (d) An opaque fence, wall, berm, or landscaping of a height and character necessary for adequate screening of the parking lot from adjacent residentially used property shall be provided. Where there is a difference in elevation between the property which needs the screening and the property receiving the benefit of the screening, the height of the screen barrier shall be measured on the high side.
- (e) The entrances and exits to and from any parking lot shall be approved by the Director. Proper directional signs shall be provided.
- (f) The entrances and exits to and from any parking lot or loading/unloading area shall be approved by the Director. Proper directional signs shall be provided.

16.05 OFF-STREET LOADING REQUIREMENTS.

- (a) There shall be provided at the time any building is erected or structurally altered, off-street loading spaces in accordance with the following requirements:

- (1) Office Buildings:

- 5,000 to 25,000 sq. ft. of GFA* One 12' X 20' loading space

- 25,001 to 50,000 sq. ft. of GFA One 14' X 35' loading space

- 50,001 to 200,00 sq. ft. of GFA Two 14' X 35' loading spaces

- Add one additional 14' X 35' loading space for each 75,000 square feet of gross floor area above 200,000 square feet.

- *GFA means gross floor area.

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(2) Retail or Service Establishment:

Less than 5,000 sq. ft. of GFA One 12' X 20' loading space

5,001 to 20,000 sq. ft. of GFA One 14' X 35' loading space

20,001 to 100,000 sq. ft. of GFA... Two 14' X 35' loading spaces

Add one additional space for each 75,000 square feet of gross floor area above 1,000,000 square feet.

(3) Wholesale, Commercial use;

2,000 to 20,000 sq. ft. of GFA One 14' X 35' loading space.

20,000 to 100,000 sq. ft. of GFA... Two 14' X 35' loading spaces

Add one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

(4) Manufacturing or Industrial Use:

One 14' X 35" space for each 10,000 square feet of gross floor area plus one 14' X 35' space for each portion thereof in excess of 50,000 square feet.

(b) Loading spaces are to be provided on each lot in compliance with the following requirements:

- (1) The loading space shall be completely contained on the lot it is intended to serve.
- (2) The loading space shall be arranged on the lot in such a way as to allow normal movement of traffic in and around the loading area.
- (3) No loading space shall be permitted to extend into any public right-of-way.

ARTICLE 17.00
ON-PREMISE SIGNS

- SECTIONS:
- 17.01 Intent
 - 17.02 Permitted Signs and Sign Area
 - 17.03 Regulations and Limitations of Permitted Signs
 - 17.04 Special Situations
 - 17.05 Exemptions
 - 17.06 Illumination
 - 17.07 Temporary and Portable Signs
 - 17.08 Prohibited Signs
 - 17.09 Maintenance and Removal

17.01 INTENT. These regulations provide standards for the erection and maintenance of private signs. The principal feature of this section is the restriction on the total sign area permissible per site. All private signs shall be erected and maintained in accordance with the following standards. The general objectives of these standards are to promote health, safety, welfare and in part to achieve the following:

- (a) Safety. To promote the safety of persons and property by providing that signs:
 - (1) Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
 - (2) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to see and interpret any official traffic sign, signal or device.

- (b) Communications Efficiency. To promote the efficient transfer of information by providing that:
 - (1) Businesses and services may identify themselves;
 - (2) Customers and persons may locate a business or service;
 - (3) No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.

- (c) Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - (1) Do not create a nuisance to persons using the public rights-of-way;
 - (2) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.

17.02 PERMITTED SIGNS AND SIGN AREA. In the following districts, the sign area and height set forth shall apply to all signs on the premises except as provided in Section 16.05:

- (a) A-1 Agricultural and RC Recreation/Conservation Districts.
 - (1) Signs advertising the use of a particular breed, type, variety, hybrid, or brand of plant, chemical or tillage. No one sign shall exceed 16 square feet in area per face.

- (2) Uses which are governed by conditional use may have signs on the premise in accordance with the stipulations of the permit.
 - (3) No hunting, no trespassing and similar signs.
- (b) RR Rural Residential and RS-1, RS-2, RD, and RA-1 Residential.
- (1) [Reserved].
- (c) C Commercial, I-1 and I-2 Industrial.
- (1) Wall, roof, or projecting signs:
 - a) The total sign area on structures which are two stories or less in height shall not exceed two square feet for each linear foot of building frontage.
 - b) The total sign area on structures which are greater than two stories in height shall not exceed either two square feet for each linear foot of building frontage, or 15% of the area of the frontage wall, whichever is greater.
 - (2) Freestanding signs having a total sign area not to exceed one square foot for each linear foot of road frontage or 200 square feet, whichever is less.
 - (3) The maximum sign height shall be 30 feet.

17.03 REGULATIONS AND LIMITATIONS OF PERMITTED SIGNS. The Regulations and Limitations of Permitted Signs shall be as spelled out below:

- (a) Wall Signs. Wall signs may be located anywhere on the wall of a building.
- (b) Projecting Signs.
- (1). Projecting signs may project no more than five feet from the building face.
 - (2). Projecting signs shall have a minimum clearance of ten feet above grade level about any yard or sidewalk and 16 feet above any road or drive.
 - (3). Projecting signs may project no more than five feet above the top of a parapet or roof line including the framework or support.
- (c) Roof Signs. Roof signs shall rise no higher than five feet above the top of a parapet or roof line and shall not exceed the height limits for the zoning district.
- (d) Freestanding Signs.
- (1) Freestanding signs shall be limited to one per street frontage except that businesses on frontages of 300 feet, or more, may erect two freestanding signs; however, the total sign area for both signs may not exceed that allowed for the street frontage.
 - (2) Freestanding signs shall be located only in the front or side yard.
 - (3) Freestanding signs shall not project over public property.
 - (4) Freestanding signs shall not be erected within the area of a corner of two intersecting streets or a street and railroad. Area of a corner, in this case, shall be the triangular area formed by measuring 40 feet from the intersection along both

roads and connecting these two points with a straight line.

Exceptions: Freestanding signs may be located in the area of a corner when the sign and sign structure comply with the following:

- a) The sign face is located 12 feet above grade level; and
- b) The sign structure is of such a size and spacing as to not obstruct the view of said intersection.

17.04 SPECIAL SITUATIONS. This section contains the sign regulations for the following special situations:

- (a) Shopping Centers. A freestanding sign shall be allowed on each street frontage stating the name of the center and the major tenants provided no other freestanding signs are erected. The sign area shall be determined independently from the sign area allowed under 17.02 and 17.03. A sign area of one square foot for each one lineal feet of street frontage or 200 square feet per frontage, whichever is smaller, shall be allowed. The height shall not exceed 40 feet.
- (b) Interstate Highway Interchange. In the C, I-1, and I-2 Districts, businesses which are adjacent to both the interstate and the intersecting cross street may by conditional use permit erect one additional on-premise freestanding sign not to exceed 200 square feet or 60 feet in height.

17.05 EXEMPTIONS. The following signs may be allowed in addition to the signs permitted in Section 17.02, but signs must be in conformance with all other state and local laws.

- (a) Construction Signs. Building contractors, lending institutions and professional firms may post temporary signs on site under construction. The total sign area shall not exceed 100 square feet or 20 feet in height and shall be removed upon completion of the project.
- (b) Neighborhood Identification Signs. In any zone, a masonry wall, landscaping and other similar material or feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such signs or display shall consist only of the neighborhood or tract name.
- (c) Public Signs. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty shall be permitted.
- (d) Integral Signs. Name. Names of building, dates of erection, monumental citations, commemorable tablets, and the like, of permanent type construction and made an integral part of the building structure shall be permitted.
- (e) Private Traffic Directional Signs. Signs directing traffic movement onto and out of a commercial premise may be located at each vehicular entrance onto a public street.

- (f) Real Estate Signs. Temporary real estate signs shall be permitted.

17.06 ILLUMINATION. Regulations regarding the illumination of signs shall be as follows:

- (a) Shading. The light from any illuminated sign or billboard shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operator's of vehicles on public or private roads.
- (b) Blinking and Flashing. Blinking, flashing, pulsating, or fluttering lights, or other illuminated devices which have a changing light shall not be located closer than 300 feet from any residential district. This restriction shall not apply to signs displaying the date, time and temperature exclusively.

17.07 TEMPORARY AND PORTABLE SIGNS. Temporary and portable signs shall not exceed 32 square feet and may be displayed for 60 days per calendar year in the C and I Districts. It shall be the duty of the user of the sign to:

- (a) Notify and obtain approval from the County Planning Director prior to placement of said sign.
- (b) Notify the County Planning Director upon removal of said sign. The County Planning Director shall continue to deduct one day from the 60 days allowed per calendar year until notice of removal is received or a total of 60 days has elapsed.
- (c) Place the signs in locations so that the provisions of this article and all other applicable codes and ordinances are complied with.

Temporary and portable signs in the A-1 District, when used in conjunction with roadside stands and fireworks stands, shall be authorized as part of the conditional use permit granted to such uses.

17.08 PROHIBITED SIGNS. The following signs are prohibited:

- (a) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.
- (b) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

- (c) Banners. Banners shall be prohibited except on a temporary basis for a maximum of 21 days during any calendar year.

17.09 MAINTENANCE AND REMOVAL. Every on-premise sign, including any exempt from this code in respect to permits and permit fees, shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owner's expense.

**ARTICLE 17A.00
OFF-PREMISE SIGNS**

SECTIONS: 17A.01 Purpose and Intent
17A.02 General Regulations
17A.03 Conditional Uses
17A.04 Exceptions
17A.05 Prohibited Signs
17A.06 Maintenance and Removal

17A.01 PURPOSE AND INTENT. The purpose of this article is to prevent the uncontrolled use of off-premise signs so as to promote the health, safety and general welfare of those persons using the public rights-of-way. These regulations are intended to preserve the overall landscape quality of the County while allowing the reasonable use of signs to inform the traveling public. This is accomplished through the application of standards for size, illumination and separation.

17A.02 GENERAL REGULATIONS.

- (a) In the A-1 and RC Districts, off-premise signs shall be limited to those which provide direction to a business or use and shall be constructed in accordance with the following:
- (1) A maximum sign area of 9 square feet.
 - (2) The sign shall contain the business name and directional information only.
 - (3) There shall be no more than one sign face per direction of facing.
 - (4) A sign shall not be within a 500 foot radius of any other off-premise sign intended to be read from the same right-of-way. The sign shall not be within a 300 foot radius of any other off-premise sign intended to be read from a different right-of-way. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right-of-way and shall apply only to structures located on the same side of the highway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.
 - (5) A sign shall not be illuminated nor shall blinking or flashing lights be used.
 - (6) A maximum height of 16 feet.
- (b) The following regulations shall apply to off-premise signs in the C, I-1 and I-2 Districts except as permitted in Section 17A.03:
- (1) A maximum sign area of 288 square feet.
 - (2) There shall be no more than one sign face per direction of facing.
 - (3) The maximum height shall be 40 feet. *(amended by MC30-05-04)*
 - (4) No part of the sign face or structure shall be located in or overlap into the required side or rear yard setbacks or public right-of-way.
 - (5) A sign shall not be within a 500 foot radius of any other off-premise sign intended to be read from the same right-of-way. The sign shall not be within a 300 foot radius of any other off-premise sign intended to be read from a different right-of-

way. All spacing measurements in this subsection shall refer to a measurement made along the right-of-way and shall apply only to structures located on the same side of the highway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.

- (6) The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.

17A.03 CONDITIONAL USES. A conditional use permit in conformance with Article 19.00 shall be obtained for the following off-premise signs: *(amended by MC30-05-04)*

- (a) Off-premise signs over 288 square feet to a maximum of 672 square feet and signs with more than one sign face per direction of facing in the C and I Districts.
- (b) A conditional use permit shall be required for off-premise signs within 500 feet of a park, school, church, or designated historic site.

17A.04 EXCEPTIONS.

- (a) Directional signs for nonprofit organizations not to exceed four square feet per sign face.
- (b) Political campaign signs provided the signs are removed within five days after the election.
- (c) Directional signs, street name signs, or other signs which have been authorized and directed by a governmental unit.

17A.05 PROHIBITED SIGNS. The following signs are prohibited:

- (a) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.
- (b) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

17A.06. MAINTENANCE AND REMOVAL. Every off-premise sign shall be maintained in

good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owners expense.

**ARTICLE 18.00
NONCONFORMING AND NONSTANDARD USES**

- SECTIONS:
- 18.01 Purpose and Intent
 - 18.02 Continuation of Nonconforming Uses
 - 18.03 Use Becoming Nonconforming by Change in Law or Boundaries
 - 18.04 Change in Nonconforming Use
 - 18.05 Extension or Enlargement
 - 18.06 Restoration After Damage
 - 18.07 Discontinuance of Nonconforming Use
 - 18.08 Effect on Use Which is Illegal Under Prior Law
 - 18.09 Continuation of Nonstandard Uses

18.01 PURPOSE AND INTENT. The purpose of this article is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances under which they shall be permitted to continue.

18.02 CONTINUATION OF NONCONFORMING USES. Subject to the provisions of this article, the lawful use of a premise existing immediately prior to the effective date of this ordinance may be continued although such use does not conform to the provisions hereof.

18.03 USE BECOMING NONCONFORMING BY CHANGE IN LAW OR BOUNDARIES. Whenever the use of a premises becomes a nonconforming use through a change in zoning ordinance or district boundaries, such use may be continued, although the use does not conform to the provisions thereof.

18.04 CHANGE IN NONCONFORMING USE. If no structural alterations or additions are made, a nonconforming use may be changed to another nonconforming use of the same or a more restrictive classification. For the purposes of this article, each of the following classifications shall be considered to be "more restrictive" than those it precedes:

- RC Recreation/Conservation
- RR Rural Residential
- RS-1 Residential
- RS-2 Residential
- RD Residential
- RA-1 Residential
- C Commercial
- I-1 Light Industrial
- I-2 General Industrial

Whenever a nonconforming use has been changed to a more restrictive use or to a permitted use, such use shall not thereafter be changed to a less restrictive use.

18.05 EXTENSION OR ENLARGEMENT. A nonconforming use shall not be enlarged,

extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the premise is located except that a conditional use permit may be authorized after the following criteria are given specific consideration:

- (a) Effect on surrounding property values.
- (b) The density of land use zoning for the subject and adjacent properties.
- (c) The degree of hardship upon the applicant which would be caused by failure to grant the permit.
- (d) It can be demonstrated that it was the owner's intent to use the entire premises for said use prior to the adoption, revision or amendment of this ordinance.

18.06 RESTORATION AFTER DAMAGE. When the use of a building is nonconforming as defined by this ordinance and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its fair market value, it shall not be restored except in conformity with the provisions of the district in which the building is located. Exception: Single family dwellings may be restored if damaged less than 100 percent.

18.07 DISCONTINUANCE OF NONCONFORMING USE. In the event that a nonconforming use is discontinued for more than one year, any subsequent use shall thereafter be in conformity with the regulations of the district in which it is located.

18.08 EFFECT ON USE WHICH IS ILLEGAL UNDER PRIOR LAW. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a premises in violation of zoning regulations in effect immediately prior to the effective date of this ordinance.

18.09 CONTINUATION OF NONSTANDARD USES. Nonstandard uses existing immediately prior to the effective date of this ordinance may be continued, although such uses do not conform to the provisions hereof. Nonstandard buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:

- (a) Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.
- (b) Structural alteration of buildings or structures may otherwise be made if such changes do not encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located.
- (c) Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.

ARTICLE 19.00
CONDITIONAL USE REGULATIONS

SECTIONS:	19.01	Application to the County
	19.02	Fees
	19.03	Site Plan
	19.04	Hearing by Planning Commissions
	19.04A	Appeal of Decision of Planning Commissions
	19.05	Hearing by Board of County Commissioners and City Council
	19.06	Expiration
	19.07	Conditional Use Criteria
	19.08	Reapplication
	19.09	Revocation
	19.10	Telecommunications Towers and Antenna Support Structures
	19.11	Broadcast Tower

19.01 APPLICATION TO THE COUNTY. Any person, firm or corporation desiring a conditional use permit in any zoning district shall file a written application with the Minnehaha County Planning Department requesting a conditional use permit. Such application shall contain the following information:

- (a) Legal description of the land on which such conditional use is requested.
- (b) Name, address and phone number of the owner of the property which is the subject of such application.
- (c) Name, address and phone number of the person making the application if made by anyone other than the owner.
- (d) Zoning district classification under which the property is regulated at the time of such application.
- (e) Any other information concerning the property as may be requested by the Minnehaha County Planning Department or the County and City Planning Commissions.

19.02 FEES. Upon the filing of any application for a conditional use permit, the applicant shall pay to Minnehaha County a fee as designated in Article 22.00. This fee is utilized to help defray necessary administrative costs of processing the application as required.

19.03 SITE PLAN. Except when waived by the Planning Director, each application for a conditional use permit shall be accompanied by a site plan showing the following information:

- (a) The legal description of the property.

- (b) The name of the project and/or business.
- (c) The scale and north arrow.
- (d) All existing and proposed buildings and additions.
- (e) Dimensions of all buildings.
- (f) Distance from all building lines to the property lines at the closest points.
- (g) Building height and number of stories.
- (h) Dimensions of all property lines.
- (i) Parking lot or spaces, designating each space, lot dimensions, stalls and aisles.
- (j) Screening; showing the height, location, and type of material to be used.
- (k) Name and location of all adjacent roads, waterways and other public places.

Any conditional use permit which has been approved shall conform in all ways to the site plans submitted. In the event that changes have been stipulated on the plan as part of the approval of the conditional use permit, the conditional use permit shall conform to the plan in all ways except for the stipulated changes.

19.04 HEARING BY PLANNING COMMISSIONS. Upon the filing of an application for a conditional use permit, the Planning Director shall set a date for public hearing, at which time and place the County and City Planning Commissions shall jointly meet to consider the conditional use permit request.

- (a) **NOTIFICATION.** A good faith effort must be made by the applicant to notify all property owners (inclusive of Contract for Deed buyers) of land laying within five hundred (500) feet, inclusive of right-of-way, of the outer boundaries of the property involved in the request. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with “Notice of Hearing” forms for this purpose, and the notices are to be sent by the applicant to all parties on the aforementioned list by first class mail no less than one (1) week prior to the public hearing on the request held by the Planning commission. The applicant shall sign an affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least five (5) working days prior to the Planning Commission meeting. *(amended by MC16-88-06 7/18/06)*
- (b) **SIGNS.** A sign(s) to be provided by the Minnehaha County Planning Department shall be posted on the property at least five days prior to the scheduled hearing. *(amended by MC30-04-03)*

- (c) **ACTION.** At the joint meeting, the County and City Planning Commissions shall decide whether to grant the conditional use permit with such conditions and safeguards as are appropriate or to deny the conditional use permit when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commissions shall be final unless an appeal is filed in accordance with Section 19.04A. In the event the Planning Commissions are not in agreement on a decision whether to grant a conditional use permit, the following shall apply:
- (1) When one Planning Commission votes to grant a conditional use permit and the other Planning Commission votes to deny, the permit is deemed to be denied and the petitioner may appeal the decision to the governing bodies in accordance with Section 19.04A.
 - (2) When both Planning Commissions vote to grant a conditional use permit but the conditions are not identical, the application shall be presented to a joint meeting of the County Commission and City Council for final action. The requirements of Section 19.05A shall apply.
 - (3) When one or the other Planning Commission votes to defer action on a conditional use permit, the application shall be considered at a future joint meeting of the Planning Commissions.

19.04A APPEAL OF DECISION OF PLANNING COMMISSIONS. The decision rendered by the Planning Commissions on a conditional use permit may be appealed to the Board of County Commissioners and the City Council. To appeal the decision of the Planning Commissions, the applicant or any other person aggrieved by said decision shall file a written appeal with the Minnehaha County Planning Department within five working days of the Planning Commissions' decision.

19.05 HEARING BY BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL.

When an appeal has been filed in accordance with Section 19.04A or the decision by each Planning Commission is not in agreement, the Board of County Commissioners and the City Council shall jointly conduct a public hearing and take final action on the conditional use application.

- (a) **SIGNS.** A sign(s) to be provided by the Minnehaha County Planning Department shall be posted on the property at least five days prior to the scheduled hearing.
- (b) **HEARING.** At the public hearing, the Board of County Commissioners and City Council shall review the decisions of the respective Planning Commissions on the applications coming before them. In making their determination of such applications, they need not be bound by the actions of the Planning Commissions.
- (c) **ACTION.** The Board of County Commissioners and the City Council shall decide whether to grant the conditional use permit with such conditions and safeguards as are appropriate or to deny the conditional use permit when not in harmony with the purpose and intent of these regulations. The Board and the City Council, in making their

determinations on such applications, may make changes in accordance with or in rejection or modification of the decisions of the respective Planning Commissions. In order for any conditional use permit to be approved, the Board of County Commissioners and the City Council must each vote in favor of the application.

- (d) PROTEST. The conditional use permit shall take effect twenty days after approval unless a written protest is filed with the County Auditor, signed by at least forty percent of the owners of equity in the lots or parcels located within 250 feet of the property granted a conditional use permit. A corporation shall be construed to be a sole owner; and when parcels of land are in the name of more than one person, ownership representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners. If a protest is filed, the conditional use permit shall not become effective unless it is approved by two-thirds of the Board of County Commissioners and two-thirds of the City Council.

19.06 EXPIRATION. A conditional use permit which has been approved shall expire by limitation and become null and void if the building, work or use authorized by such conditional use permit is not commenced within one year from the date of approval. This provision shall not apply to a conditional use permit approved for a residential use in the A-1 or RC zoning districts. Upon written request to the Planning Director and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted by the Planning Director, subject to the following conditions:

- (a) There was no public objection presented during the public hearing process for the original conditional use permit;
- (b) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit.

19.07 CONDITIONAL USE CRITERIA. The following considerations shall be employed when acting upon requests for conditional uses:

- (a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.
- (b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.
- (c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.
- (d) The proposed use shall not adversely affect the public.

19.08 REAPPLICATION. No applicant requesting a conditional use permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commissions or the Board of County Commissioners and City Council shall be again considered by the Planning Commissions before the expiration date of six (6) months from the date of the final action on the application.

19.09 REVOCATION. If the Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Planning Director shall report this fact to the permittee, landowner, and/or operator, and the County and City Planning Commissions. The County and City Planning Commissions may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, make a recommendation to the Board of County Commissioners and the City Council for their consideration and action. The Board of County Commissioners and the City Council may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit.

19.10 TELECOMMUNICATIONS TOWERS AND ANTENNA SUPPORT STRUCTURES.

Where a conditional use permit is required for approval of telecommunications towers and antenna support structures, the following will be considered:

(a) Design Character.

- (1) Telecommunications towers, antenna support structures and equipment buildings shall be compatible with the architectural style of the surrounding built environment, considering exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings may be located underground where feasible. To prevent undue concentration of telecommunications towers, consideration should be given to co-location as a first alternative.
- (2) Wireless communications facilities on new telecommunications tower structures, antenna support structures, or co-located on existing telecommunications towers shall minimize visual impact.

(b) Screening.

- (1) A telecommunications tower site and tower base adjacent to residential property, except when located in a farmstead, shall be provided with a fence, wall, berm, or shrubbery of sufficient height and of a character necessary to provide adequate visual screening. Where the adjacent property is across public right-of-way from a telecommunications tower site, screening shall be provided in all cases except when the right-of-way is an arterial street.
- (2) Existing vegetation and grades on the site shall be preserved as much as possible. Natural growth around the property perimeter on large, wooded lots may be considered a sufficient buffer to telecommunications towers. In locations where the visual impact of the telecommunications tower would be minimal, the

screening requirement may be reduced or waived.

- (c) Fencing. Adjacent to a residentially used or zoned property, natural materials shall be used for fence screening. If chain-link fencing is needed for safety and security, additional landscape screening shall be required outside the chain-link fence to screen public view of the telecommunications tower site.

19.11 BROADCAST TOWER. Location of the tower shall be done with consideration for public safety in the event that the tower would fall and to minimize adverse visual impact of broadcast towers through careful design, siting, and screening. Care should be taken to avoid interference with any similar broadcast use and in no event shall such tower be located in any airport approach zone. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

ARTICLE 20.00
AMENDMENTS TO THE REGULATIONS

- SECTIONS: 20.01 Application to County for Zoning Amendment
20.02 Fees
20.03 Hearing by Planning Commissions
20.04 Hearing by Board and City Council
20.05 Reapplication

20.01 APPLICATION TO COUNTY FOR ZONING AMENDMENT. Any person, firm or corporation desiring a change in regulations, restrictions or boundaries of the zoning map of any property from one zoning district classification to another zoning district classification, shall make application for such change to the Minnehaha County Planning Department. Such application shall be provided by the Department and be completed in full by the applicant.

The Board of County Commissioners and the City Council may from time to time on their own motion, after public notice and hearing, and after a report by the Planning Commissions amend, supplement, or change the boundaries or regulations herein or subsequently established.

20.02 FEES. upon the filing of any application for a zoning district classification change, the applicant shall pay to Minnehaha County the appropriate fee as designated in Article 22.00. These fees shall be utilized to help defray necessary administrative costs of processing the application as required, including publication and printing of required notices.

20.03 HEARING BY PLANNING COMMISSIONS. Upon the filing of an application for a request of zoning district classification change, the Minnehaha County Planning Department shall set a date for public hearing, at which time and place the County and City Planning Commissions shall meet jointly to consider the zoning classification changes.

- (a) Signs. A sign(s) to be provided by the Minnehaha County Planning Department shall be posted on the property at least five days prior to the scheduled hearing.
- (b) Recommendations From Planning Commissions. The County and City Planning Commissions shall, respectively, make a recommendation to the Board of County Commissioners and City Council on those applications for zoning district classification changes which have been considered and all other amendments to these regulations.

20.04 HEARING BY BOARD AND CITY COUNCIL. The Board of County Commissioners and the City Council shall jointly conduct a public hearing to act on all applications which have been processed and forwarded to them for public hearing as provided in these regulations. The County Auditor shall cause to be published a notice of the time and place when and where all persons interested shall be given a full, fair and complete hearing.

- (a) Supplementary Notice. Supplementary to the published notice, a sign(s) to be provided by

the Minnehaha County Planning Department shall be posted on the property at least five days prior to the scheduled hearing.

- (b) Hearing. Upon the day of such public hearing, the Board of County Commissioners and the City Council shall review the decisions and recommendations of their respective Planning Commissions on all applications coming before them as provided in these regulations. The Board of County Commissioners and the City Council must each vote in favor of the proposed action before any changes or modifications are made in the regulations, restrictions or zoning map.
- (c) Protest. Twenty days after publication of the Board of County Commissioners' and City Council's approval, the zoning district classification change shall take effect unless the referendum be invoked, or unless a written protest is filed with the County Auditor, signed by at least forty percent of the owners of equity in the lots or parcels located within 250 feet from any part of such proposed district. A corporation shall be construed to be a sole owner; and when parcels of land are in the name of more than one person, ownership representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners. If a protest is filed, the ordinance shall not become effective unless the ordinance is approved by a resolution by two-thirds of the Board of County Commissioners and two-thirds of the City Council.

20.05 REAPPLICATION. Not application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board of the County Commissioners and City Council, shall again be considered by the Planning Commissions before the expiration of six (6) months from the date of the final action of the Board of County Commissioners and City Council.

ARTICLE 21.00
ZONING BOARD OF ADJUSTMENT

- SECTIONS: 21.01 Establishment
21.02 Operational Procedure
21.03 Appeals
21.04 Variances
21.05 Application to County for Variance
21.06 Fees
21.07 Hearing
21.08 Application From Decision of Board
21.09 Limitations
21.10 Jurisdiction Restricted

21.01 ESTABLISHMENT. The Zoning Board of Adjustment shall consist of the Planning Commissions of Minnehaha County and Sioux Falls. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances, and hear appeals to the terms of these regulations in harmony with the general purpose and intent and in accordance with general and specific rules herein contained.

21.02 OPERATIONAL PROCEDURE.

- (a) The Board shall meet at the regularly scheduled joint meetings of the County and City Planning Commissions. Special meetings may be held at the call of the chairpersons. All meetings of the Board shall be open to the public and all business coming before the Board shall be transacted at such meetings.
- (b) The Board shall keep minutes of its proceedings, records of examinations and other official actions, all of which shall be filed in the County Planning Department and shall be a public record.

21.03 APPEALS. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the County Planning Director in the enforcement of these regulations.

21.04 VARIANCES. The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

- (a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- (b) The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other

property substantially similar in use.

- (c) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
- (d) The proposed variance will not unreasonably impair: an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.
- (e) That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (f) That the variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations.
- (g) The Board shall hear and make determinations on variance to exceed the height limits as established by these regulations.
- (h) The Board of Adjustment, under its authority to grant variances may impose reasonable conditions on the grant, and one accepting those conditions is bound by them.

21.05 APPLICATION TO COUNTY FOR VARIANCE. Any person, firm or corporation desiring a variance or wishing to appeal a decision of the County Planning Director or his authorized representatives shall make application for such request to the County Planning Department. Such application shall be provided by the Department and completed in full by the applicant.

21.06 FEES. Upon the filing of any application for a variance or appeal by the Board, the applicant shall pay to Minnehaha County the appropriate fee as designated in Article 22.00. These fees shall be utilized to help defray necessary administrative costs of processing the application as required.

21.07 HEARING. Upon the filing of an application, the County Planning Department shall set a date for public hearing, at which time and place the Zoning Board of Adjustment shall meet to consider the request for variance or appeal.

- (a) SIGNS. A sign(s) to be provided by the County Planning Department shall be posted on the property at least five days prior to the scheduled hearing.
- (b) DECISION. All requests under this article shall be acted upon at a joint meeting of the County and City Planning Commissions. The Planning Commissions shall vote on such requests independently, and a favorable vote by a majority of the members of each

Planning Commission shall be required to approve each request.

21.08 APPEALS FROM DECISION OF BOARD. Appeals may be taken to the Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the County, aggrieved by any decision of the Board, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

21.09 LIMITATIONS. Any order of the Board granting a variance may be declared invalid by the Board unless substantially completed within two years from the date of such order. The County Planning Director shall notify the property owner of record upon invalidation of a variance.

21.10. JURISDICTION RESTRICTED. The Board of Adjustment shall have no jurisdiction to hear requests or grant variances of the height limitations for broadcast towers, telecommunications towers, antenna support structures, and wireless communications facilities regulated by this ordinance.

ARTICLE 22.00
FEES

- SECTIONS: 22.01 General Regulations
 22.02 Change of Zone
 22.03 Planned Development District
 22.04 Major Amendment
 22.05 Minor Amendment
 22.06 Conditional Use
 22.07 Board of Adjustment
 22.08 Zoning Permits

22.01 GENERAL REGULATIONS. All fees required by this article shall be the property of the County and shall be deposited with the County Treasurer and credited to the general fund. The fees shall be paid at the time of filing the application with the County Planning Department. No action shall be taken on any application until all applicable fees have been paid in full. Under no conditions shall any fee required hereunder be refunded to an applicant who withdraws their application after the application deadline has passed. *(amended MC30-16-07 8/21/07)*

22.02 CHANGE OF ZONE. A fee of \$350.00 shall be charged for filing an application to change the zoning classification of property, except to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC30-05-04 and MC30-08-05)*

22.03 PLANNED DEVELOPMENT DISTRICT. A fee of \$350.00 plus \$50.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC30-05-04 and MC30-08-05)*

22.04 MAJOR AMENDMENT. A fee of \$100.00 shall be charged for the filing of an application for a major amendment to a Planned Development District. *(amended by MC30-05-04)*

22.05 MINOR AMENDMENT. A fee of \$50.00 shall be charged for the filing of an application for a minor amendment to a Planned Development District. *(amended by MC30-05-04)*

22.06 CONDITIONAL USE. A fee of \$250.00 shall be charged for filing an application for a conditional use permit in any district. If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee. *(amended by MC30-05-04 and MC30-08-05)*

22.07 BOARD OF ADJUSTMENT. A fee of \$250.00 shall be charged for filing a variance application or an appeal to the Zoning Board of Adjustment. *(amended by MC30-05-04 and MC30-08-05)*

22.08 ZONING PERMITS. A fee of \$50.00 shall be charged for filing an application for a zoning permit. However, this fee shall be waived when the proposed construction is subject to the requirements and fees of the International Building Code as adopted by Minnehaha County.
(amended by MC30-08-05 & by MC30-16-07 8-20-07)

ARTICLE 23.00
GENERAL PROVISIONS

SECTIONS: 23.01 General Regulations
 23.02 Building Permits Required
 23.03 Enforcement and Administration
 23.04 Site Plan
 23.05 Violation and Penalty
 23.06 Warning and Disclaimer of Liability
 23.07 Interpretation, Abrogation, and Severability
 23.08 Savings Clause
 23.09 Purpose of Catch Heads
 23.10 Effective Date

23.01 GENERAL REGULATIONS. The following general regulations shall apply to all zoning districts:

- (a) Except as otherwise provided, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:
 - (1) Except for a purpose permitted in the district in which the structure or land is located.
 - (2) Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located.
 - (3) Except in conformance with any Federal, State or County codes as may be applicable. Where these regulations and any other rules and regulations conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (b) The density and yard requirements of these regulations are minimum regulations for each and every building existing at the effective date of these regulations and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
- (c) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in these regulations.
- (d) Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

23.02 BUILDING PERMITS REQUIRED. It shall be unlawful for any person to construct, alter, or repair a building or structure or to commence the construction, alteration, or repair of a building or structure, without first having obtained a building permit from the County Planning

Department. This requirement shall not apply to minor nonstructural changes involving no change of use.*(amended MC.3016-07 8-21-07)*

23.03 ENFORCEMENT AND ADMINISTRATION. Enforcement and administration of these regulations shall be as follows:

- (a) It shall be the duty of the County Planning Director, herein referred to as the Director, to enforce these regulations.
- (b) The Director or an authorized representative shall be charged with the following:
 - (1) Receive applications required by these regulations.
 - (2) Issue permits.
 - (3) Make necessary inspections to assure compliance.
 - (4) Issue notices or orders as may be necessary to assure compliance.
- (c) An application for a building permit shall be submitted in such form as the Director may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, when required by the Director, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such shall contain the full names and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Director for an intelligent understanding of the proposed work. *(amended MC30-16-07 08-21-07)*

23.04 SITE PLAN. All site plans shall provide the following information: *(amended MC30-16-07 8-21-07)*

- (a) Each application for a building permit shall be accompanied by a site plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of applications and site plans shall be kept in the office of the Director.
- (b) Nothing in these regulations shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- (c) The Director or authorized representative shall examine applications for building permits within a reasonable time after filing. If, after examination, it appears that the proposed work will be in compliance with all applicable laws, the application shall be approved

and a permit issued as soon as practicable. If the examination reveals otherwise, the application shall be rejected, with the findings attached to the application, and a copy delivered to the applicant.

- (d) Nothing in these regulations shall be construed to prevent the Director or authorized representative from issuing a building permit for the construction of footings before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with the requirements.
- (e) All work performed under a permit issued by the Director or authorized representative shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved site plan, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or tract of which a site plan has been filed and has been used as the basis for a permit, unless a revised site plan showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
- (f) Every permit issued by the Director under the provisions of these regulations shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix their signature.
- (g) A permit under which no work is commenced within 180 days after issuance shall expire by limitation.
- (h) The Director may revoke a permit or approval issued under the provisions of these regulations in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

23.05 VIOLATION AND PENALTY. Violations shall be treated in the manner specified below:

- (a) The owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be pursuant to SDCL 7-18A-2. Each and every day that such violation continues may constitute a separate offense. (amended MC30-15-07 07-17-07)

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the appropriate authorities of Minnehaha County, in addition to other

remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

23.06. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur, and floor heights may be increased by man-made or natural causes. These regulations do not imply that land outside the flood zone or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Minnehaha County or the City of Sioux Falls or on any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

23.07 INTERPRETATION, ABROGATION, AND SEVERABILITY. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and other regulations, easement, covenant or deed restriction conflict or overlap whichever imposes the more stringent restrictions shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of this inconsistency only. If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

23.08 SAVING CLAUSE. These regulations shall in no manner affect pending actions either civil or criminal, founded on or growing out of any regulations hereby repealed. These regulations shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulations repealed.

23.09 PURPOSE OF CATCH HEADS. The catch heads appearing in connection with the sections of these regulations are inserted simply for convenience to serve the purpose of an index. The introductory statements found at the beginning of each article are to serve as general references only. The catch heads, introductory statements, and illustrative examples of zoning terms shall be wholly disregarded by any person, office, court, or other tribunal in construing the terms and provisions of these regulations.

23.10 EFFECTIVE DATE. These regulations shall be in full force and effect from and after its passage and publication as provided by law.

ARTICLE 24.00
DEFINITIONS

SECTIONS: 24.01 Purpose
24.02 Definitions

24.00 PURPOSE. For the purpose of these regulations certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building' shall include the word 'structure' and 'premises'; the word 'shall' is mandatory and not directory; the words 'used' or 'occupied' include the words 'intended', 'designed' or 'arranged to be used or occupied'; the word 'lot' includes the words 'plot', 'parcel' or 'tract', and the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

24.02 DEFINITIONS.

1. ABANDONED SIGN. A sign or sign structure which contains no sign copy, contains obliterated or obsolete sign copy, or is maintained in an unsafe or unsightly condition for a period of three months shall be considered an abandoned sign.

5. ACCESSORY BUILDING AND USES. A subordinate building or portion of the main building, the use of which is incidental to and customary in connection with the main building or the main use of the premises and which is located on the same lot with such main building or use. An accessory use is one which is incidental to the main use of the premises.

10. ADULT AMUSEMENT OR ENTERTAINMENT. Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas' or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

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

20. ADULT MINI-MOTION PICTURE THEATER. An enclosed building with a capacity for less than fifty (50) persons used for presenting material for observation by patrons and which excludes minors by virtue of age.

25. ADULT MOTION PICTURE THEATER. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas', as herein defined, for observation by patrons therein.
30. ADULT PHOTO STUDIO. An establishment which, on payment of a fee, provides photographic equipment and/or models for the purpose of photographing 'specified anatomical areas'.
35. AGRICULTURE. The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as feedlot operations and agribusiness activities.
40. AIRPORT. A place where aircraft can land and takeoff, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers, including heliports.
45. ANIMAL UNIT. One animal unit is equivalent to one beef cow, steer, feeder or fat beef animal; 0.5 horse; 0.7 dairy cow; 1.7 swine; 6.7 sheep; 33 hens, cockerels, capons, broilers; 10 geese or turkeys; and 5 ducks. (Example: 200 animal units x 0.7 = 140 dairy cattle or 200 animal units x 1.7 = 340 swine.)
50. ANTENNA. Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.
55. ANTENNA SUPPORT STRUCTURE. Any existing structure that supports wireless communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles.
60. AQUIFER. A zone stratum or group of strata that can store and transit water in sufficient quantities for specific use.
65. ARCADE. A building or structure, open to the public, which contains coin operated games and similar entertainment and amusement devices, as the primary use or with five or more games as an accessory use.
70. AUTOMOBILE SERVICE STATION. Shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories

for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.

75. AUTOMOBILE STORAGE YARD. The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.
80. BAR/LOUNGE. An establishment that is licensed to sell alcoholic beverages, including low point beer, by the drink.
83. BED AND BREAKFAST ESTABLISHMENT. A bed and breakfast accommodation may provide no more than ten bedrooms for guests (exclusive of the living quarters of the owner or operator). Guests at a bed and breakfast accommodation may stay up to fourteen consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. *(amended 08/17/09 By MC30-02)*
85. 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.
90. BOARD OF COUNTY COMMISSIONERS. The governing body of Minnehaha County.
95. BOARDINGHOUSE. A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.
100. BROADCAST TOWER. Shall mean a structure, not including offices or studio, for the transmission of radio or television broadcast communications.
105. BUILDABLE AREA. That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.
110. BUILDING. Any structure, either temporary or permanent, forming an open, partially enclosed, or enclosed space constructed by a planned process of materials and components to be designated and used for the shelter or enclosure

of any person, animal or property of any kind. For the purpose of these regulations, retaining walls, concrete slabs, utility poles and fences are not considered structures. *(amended MC30-12-06 6/19/06)*

115. BUILDING, DETACHED. A building surrounded by open space on the same lot.
117. BUILDING ELIGIBILITY. See >eligible building site=. *(amended by MC30-05-04)*
120. BUILDING, HEIGHT OF. The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.
125. BUILDING LINE. Is a line on the lot running parallel to the required horizontal distance from the nearest property line.
130. BUILDING, PRINCIPAL. A non-accessory building in which is conducted the principal use of the lot on which it is located.
135. BUS/TRUCK TERMINAL. An area and building where buses, trucks, and cargo is stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.
140. CAMPGROUND. A plot of ground consisting of two or more campsites where camping units can be located and occupied as temporary living quarters.
145. CATHODIC PROTECTION. A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell; protection of a tank through the application of either galvanic anodes or impressed current.
150. CITY COUNCIL. The governing body of the City of Sioux Falls.
155. CITY PLANNING COMMISSION. The members appointed by the City to serve in an advisory capacity on planning and zoning matters.
160. CLUB. Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
170. COMPREHENSIVE PLAN. The adopted long-range plan intended to guide the growth and development of the area, including analysis, recommendations and proposals of economy, housing, transportation, community facilities, and land use.

175. CONCENTRATED ANIMAL FEEDING OPERATION. A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility.
180. CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled, would promote the public health, safety and welfare.
185. CONTAINMENT FACILITY.
- a). Primary - The tank, pit, container, pipe, enclosure, or vessel of first containment of a regulated substance.
 - b). Secondary - A second level of containment outside the primary containment facility designed to prevent a regulated substance from reaching land or waters outside the containment area.
190. CONTAMINATION, AIR. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that increases ambient air radiation levels by 50 mrem from the background levels established prior to the commencement of such activity, measured at the perimeter of the mining or milling site or at the top of an exploration hole.
195. CONTAMINATION, WATER. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.
200. CONTRACTOR'S SHOP AND STORAGE YARD. Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and repair work, generally completed at some other on-site location.
205. COUNTY PLANNING COMMISSION. The members appointed by the Board of County Commissioners to serve in an advisory capacity on planning and zoning matters.
210. DAY CARE. The providing of care and supervision of a child or children as a supplement to regular parental care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.
215. DAY CARE, CENTER. Is normally in a facility used only for providing day care

nursery or pre-kindergarten services, and is limited in number over twelve (12) by the square footage of useable space available. The ratio is presently thirty-five (35) square feet per child indoors and fifty (50) square feet per child outdoors.

220. DAY CARE, FAMILY. Care is done in a family home and the number of children cared for is limited to a maximum of six (6) children under fourteen. Included in that count are the providers' own children six years and under. See (Home Occupation).
225. DAY CARE, GROUP. Is normally in a family home. The number of children cared for is seven (7) to twelve (12) children under the age of fourteen including the provider's own children six years and under.
230. DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land.
235. DISTRICT. An area for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
240. DRIVE-UP SERVICE WINDOW/DEVICE. An establishment which accommodates the patron's motor vehicles, from which the occupants may obtain or receive a service or obtain a product through a service window or automated device.
245. DWELLING. A building, or portion thereof, constructed in conformance with the Uniform Building Code, and used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses. This definition does not include a mobile home or manufactured home (see subsection 483).
250. DWELLING, SINGLE FAMILY. A building designed for or occupied exclusively by one family.
255. DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families.
260. DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.
265. DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
270. ELECTRICAL SUBSTATION. A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service

takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

275. ELIGIBLE BUILDING SITE (BUILDING ELIGIBILITY). A site which fulfills the requirements for the construction or placement of a residential dwelling. To compute the number of eligible building sites on a lot of record of forty acres or more, the total acreage of the parcel shall be divided by forty acres. The resulting whole number is the number of building sites eligible on the lot of record.
280. EXPLORATION. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.
285. Reserved. *(amended by MC30-04-03)*
290. FAMILY. One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three (3) adults who are unrelated by blood or law. In addition to persons actually related by blood or law the following persons shall be considered related by blood or law for the purposes of this ordinance: (1) a person residing with the family for the purpose of adoption; (2) not more than six (6) persons under eighteen (18) years of age, residing in a foster home licensed or approved by a governmental agency; (3) not more than four (4) persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.
293. FARMER'S MARKET. An area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products. *(amended 08/17/09 By MC30-02)*
295. FARMSTEAD. An area consisting of a farm dwelling or dwellings and agricultural buildings and structures devoted to and used in connection with an

agricultural operation. A farmstead is generally bounded on one or more sides by a tree belt but does not include crop and pasture land.

300. FLOOD INSURANCE RATE MAP (F.I.R.M.). An official map of Minnehaha County on which the Federal Insurance Administration has delineated the areas of flood hazard and their potential for flooding.
305. FLOOD PLAIN. A land area adjoining a river, creek, watercourse or lake which is likely to be flooded and which is designated as Zone A, A0 or A1-A30 on the F.I.R.M.
310. FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, and sanitary facilities, structures, and contents of buildings in a flood hazard area.
315. FLOOR AREA. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.
317. FOWL. Birds of the order Galliformes gallus, Gallinaceous, and Anseriformes. *(amended MC30-33-14) 2-24-14*
320. FRONTAGE. All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.
325. FROZEN FOOD LOCKER. A place where the animal is dressed and packaged, where no rendering or refining is done.
330. GARAGE, PRIVATE. A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.
335. GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automobile body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
340. GARAGE, STORAGE. Any building or premises, used for housing only motor-

driven vehicles, other than trucks and commercial vehicles.

345. GENERAL MANUFACTURING. Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.
350. GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
355. GROUND WATER. Subsurface water that fills available openings in rock or soil materials such that it may be considered water saturated.
360. GROUP HOME. A supervised living or counseling arrangement in a family home context providing for the care of children or adults.
365. HOME OCCUPATION. A business, profession, occupation, or trade conducted for profit and located entirely within a dwelling, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the essential residential character or appearance of such dwelling.
370. HYDROLOGIC BALANCE. The relationship between the quality and quantity of inflow to and outflow from the storage in hydrologic units, such as a drainage base and aquifer, soil zone lake, or reservoir it encompasses, the quantity and quality relationships between precipitation, runoff, evaporation and the change in ground and surface water storage.
375. HYDROLOGIC REGIME. The entire state of water movement in a given area which is a function of the climate and includes the entire water cycle for the drainage area.
- (Intersection Safety Triangle see #733)
378. JOINT ZONING JURISDICTION. The area beyond the Sioux Falls corporate limits where the County Commission and City Council jointly exercise the zoning powers granted by SDCL 11-2, 11-4 and 11-6. *(amended by MC30-04-03)*
379. JUNKYARD. Any facility used for the storage, wrecking, dismantling, salvage, collection, processing, purchase, sale or exchange of abandoned or discarded vehicles, goods, waste and scrap materials including, but not limited to: two or more abandoned or inoperable motor vehicles, glass, tires, appliances, machinery or automotive and mechanical parts. *(amended 08/17/09 By MC30-02)*
380. KENNEL. Any premise or portion thereon where dogs, cats, or other household

pets are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.

385. 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.
390. LOADING SPACE. A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.
395. LOT. A parcel or tract of land having specific boundaries and which has been recorded in the Register of Deeds office. A lot used for residential purposes shall include only one main building together with its accessory buildings, open spaces and parking spaces required by these regulations and shall have its principal frontage upon a road or other approved access.
400. LOT AREA. The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.
405. LOT, CORNER. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
410. LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
415. LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
420. LOT, FRONTAGE. The length of the front lot line measured at the street right-of-way line.
425. LOT, INTERIOR. A lot other than a corner lot.
430. LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
435. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.
440. LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three feet to any lot line.

445. LOT LINE, SIDE. Any lot line other than a front or rear lot line.
450. LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a parcel of land the deed or agreement to convey to which was recorded in the office of said Register of Deeds prior to February 21, 1978.
455. LOT, WIDTH. The width of a lot at the front yard line.
460. MAIN BUILDING. See (Principal Building).
465. MAJOR STREET. Streets or roads which have been designated as freeways or arterial routes on the major street plan.
470. MAP, OFFICIAL ZONING. The map or maps, which are legally adopted as a part of the zoning regulations that delineate the boundaries of the zoning districts.
475. MILLING. The processing or enhancing of a mineral.
480. MINE DEWATERING DISCHARGE. Water that has been discharged from active or abandoned mines in areas affected by mineral exploration, mining and milling.
485. MINERAL. An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of these regulations, this definition does not include surface or subsurface water, geothermal resources, or sand, gravel and quarry rock.
490. MINERAL EXTRACTION. The removal of a mineral from its natural occurrence on affected land. The term includes, but is not limited to, underground and surface mining.
495. MOBILE HOME/MANUFACTURED HOME. Any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.
500. MOBILE HOME PARK. A parcel or tract of land designed and maintained for the purpose of providing a location for mobile homes and site delivered dwellings as living quarters and where private roads provide access to individual lots. This definition shall specifically exclude sales lots for mobile homes, site delivered dwellings, travel trailers and similar operations.
505. MOTOR VEHICLE REPAIR SHOP. Any building or structure in which a

business, service or industry involving the maintenance, servicing or repair of vehicles is conducted or rendered. Including rebuilding of engines, spray paint operations and hourly repair.

510. MREM. One thousandth of a REM.
515. NEIGHBORHOOD UTILITY FACILITY. Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings that exceed 120 square feet of roof area) necessary for conducting a service by a government or a public utility.
520. NONCONFORMING USES. Any building or land lawfully occupied by a use at the time of passage of these regulations or amendment thereto, which does not conform after the passage of these regulations or amendment thereto with the use regulations of the district in which it is situated.
525. NONSTANDARD USE. The category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this ordinance which fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this ordinance.
530. OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
535. PARKING SPACE. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street and permitting ingress and egress of an automobile.
540. PERMISSIVE USES. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
545. PERMITTED SPECIAL USE. A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.
550. PERSONAL COMMUNICATION SERVICES (PCS). Licenses granted by the Federal Communications Commission (FCC) to build digital wireless phone networks which compete with standard cellular service.
555. PERSONAL SERVICES. Establishments primarily engaged in providing

- services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning, receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental; private schools.
560. PLANNING DIRECTOR. The individual for Minnehaha County designated to administer the zoning regulations and who is responsible for the enforcement of said regulations.
565. PRINCIPAL BUILDING. A building in which is conducted the primary or predominant use of the lot on which it is located.
567. PRODUCE STAND. A produce stand is defined as a temporary or permanent structure used for the display and sale of agricultural products, not to include retail nursery operations. *(amended 08/17/09 By MC30-02)*
570. PUBLIC UTILITY FACILITIES. See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings that exceed 120 square feet in roof area are allowable.
575. QUARTER-QUARTER SECTION. A quarter of a quarter section as determined by the United States Rectangular Land Survey System. A government lot as determined by the rectangular land survey system shall be considered a quarter-quarter section for purposes of these regulations. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.
577. 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. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures. *(amended 08/17/09 By MC30-02)*
580. RECHARGE CAPACITY. The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.
582. RECYCLABLE MATERIALS. Materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to aluminum, paper, glass, and plastic. *(amended 08/17/09 By MC30-02)*
583. RECYCLING PROCESSING FACILITY. An established facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials, nor salvage-type automobiles may be conducted or

processed at these types of facilities. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included. *(amended 08/17/09 By MC30-02)*

585. REGULATED SUBSTANCE. A regulated substance shall include: pesticides and fertilizers, hazardous and toxic substances designated by the EPA thru any of the following: Clean Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response Compensation and Liability Act; petroleum and petroleum substances, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, additives used in refining oils and gasoline. This term does not include sewage and sewage sludge.
590. REM (ROENTGEN EQUIVALENT MAN). A measurement of the biological effects resulting from ionizing radiant energy where roentgen is the amount of radiation leading to the absorption of 88 ergs of energy per gram of air.
593. RESIDENTIAL DEVELOPMENT AREA. An area of land that is located in a residential zoning district; a residential subarea within a planned development zoning district; or a subdivision of five or more lots. *(amended by MC30-25-10 on 3/15/10)*
595. RETAIL SALES AND TRADE. Establishments engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating and drinking establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services.
600. SALVAGE OR JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and motor vehicles. This definition includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
600. SALVAGE OPERATION, SCRAP PROCESSING OPERATION. A facility where salvageable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included. *(amended 08/17/09 By MC30-02)*
601. SALVAGEABLE MATERIALS. Materials or products from dismantled, non operating, or wrecked automobiles, trucks, trailers, equipment, machinery, mobile homes, tractors, or farm machinery, appliances, or other vehicles or parts thereof;

as well as, scrap metals including iron, steel, and any other metallic material except recyclable material as defined herein. *(amended 08/17/09 By MC30-02)*

605. SANITARY LANDFILL. A site for the disposal of garbage and other refuse material.
610. SETBACK/SETBACK LINE. That line that is the required minimum distance from any lot line that establishes the area within which the principal structure must be erected or placed.
615. SIGN. Any object, device, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.
620. SIGN (OFF PREMISE). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
625. SIGN (ON PREMISE). A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
630. SLAUGHTERHOUSE. A facility for the slaughtering and processing of animals and the refining of their by-products.
634. SOLAR ENERGY CONVERSION SYSTEM (SECS). Any mechanism or device designed for the purpose of converting solar energy into electrical or mechanical power. *(amended MC30-34-14 7/27/14)*
635. SOLID WASTE RECEIVING STATION. A facility where garbage and other refuse material is brought to the site and deposited in a container, then compressed and transported to a sanitary landfill.
640. SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered; (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
645. SPECIFIED SEXUAL ACTIVITIES. (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or other erotic touching or undraped human genitals, pubic

- region, buttock, or female breast.
650. STABLE. Any premise or part thereon where horses or any equine animal are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.
655. STATIONARY TANK. An above ground tank which is fixed permanently in place on a foundation, rack, cradle, stilts or on the ground. The term does not include tanks mounted on wheels, trolleys, skids, pallets or rollers.
660. STEALTH. For freestanding telecommunications towers, it is the ability to blend into the context of the surrounding environment at a given location. For antenna support structures, stealth is the ability to camouflage or conceal the presence of wireless communication facilities. Methods of camouflage or concealment are required to be approved by the County Planning Director.
665. STOCKYARDS. A facility for the temporary confinement and marketing of animals.
670. STORY. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
675. STREET. A public right-of-way which affords the principal means of access to abutting property. Also referred to a road or highway.
680. STREET LINE. The line between the public right-of-way and private property.
685. STRUCTURE. A combination of material(s) constructed, erected or placed on, above or below the surface of land or water for use, occupancy or ornamentation. For the purpose of these regulations, retaining walls, concrete slabs and utility poles are not considered structures. (*amended MC30-12-06 6/19/06*)
690. SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building developments (whether immediate or future). This term includes resubdivision and, when appropriate to the context, is related to the process of subdividing or to the land subdivided.
695. SURFACE IMPOUNDMENT. A facility or part of a facility which is a natural topographic depression, man-made excavation, or dike area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

700. TELECOMMUNICATIONS TOWER. A self-supporting lattice, guyed-lattice, or monopole structure which supports wireless communications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, two-way radio paging, and other similar services. The term telecommunications tower does not include amateur radio operators= equipment, as licensed by the Federal Communications Commission.
705. TELECOMMUNICATIONS TOWER HEIGHT. The vertical distance above grade to the highest point of the telecommunications tower, including the base pad and any antenna.
710. TELECOMMUNICATIONS TOWER SITE. The telecommunications tower site shall be the lot of record for which the telecommunications tower is located.
715. TRAILER. Means any of the following:
- (1). TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses. permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty (30) feet.
 - (2). PICK-UP COACH. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - (3). MOTOR-HOME. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - (4). CAMPING TRAILER. A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.
720. TRUCK STOP. Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
725. UNSAFE SIGN. A sign on which the display area or structure has deteriorated due to rust, rotting, or physical damage to the point where any portion of the sign has the potential to fall shall be considered unsafe.
730. UNSIGHTLY SIGN. A sign which has deteriorated to the point where at least one-fourth of the display area is no longer clearly recognizable at a distance of twenty feet; or where the paint is peeling, chipping or flaking from the

structure shall be considered an unsightly sign.

733. INTERSECTION SAFETY ZONE TRIANGLE. A triangular area on corner properties within which the placement of certain structures, materials and the like are imposed under the provisions of this ordinance. *(amended MC30-15-07 07-18-07)*
734. VEHICLE. A vehicle shall include, but not be limited to, any motor vehicle which is designed to be driven, and which is self-propelled, or is intended to be self-propelled. This definition shall also include all vehicles, whether or not self-propelled, that are intended to be attached, pulled or fixed to a vehicle. *(amended by MC30-25-10 on 3/15/10)*
735. VEHICLE AND EQUIPMENT, AGRICULTURAL. Any tool, implement, piece of equipment or machinery that is presently used in an agricultural operation or which is used in the regular or ongoing maintenance of the property; which includes but is not limited to equipment used for planting, harvesting, spraying, fertilizing, haying, livestock and manure handling, and other farming functions, or for property maintenance. *(amended by MC30-25-10 on 3/15/10)*
736. VEHICLE AND EQUIPMENT, COMMERCIAL. A commercial vehicle and equipment is defined as any of the following:
1. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire or has commercial vehicle identification.
 2. Vehicles including but not limited to any solid waste collection vehicle, semi-tractor, semi-trailer, dump truck, concrete mixer truck, box truck, towing or recovery vehicle, and any construction equipment whether located on the ground or on a truck, trailer, or semi-trailer.
 3. Any vehicle having three or more axels, or exceeding twenty-two feet in length.
 4. Any vehicle or equipment that has a gross vehicle weight of more than 10,000 pounds.
 5. Any equipment or trailer (open or closed) which is towed by another commercial vehicle.
- (amended by MC30-25-10 on 3/15/10)*
737. VEHICLE, RECREATIONAL. Any vehicle designed for, used or capable of use for sport or recreation, whether or not eligible to be licensed for use upon streets and highways, including but not limited to campers, pickup campers, tent trailers, and motor homes, boats and boat trailers, snowmobiles, motor bikes, or all terrain vehicles, but excluding vehicles designed for commercial, industrial or agricultural use. *(amended by MC30-25-10 on 3/15/10)*
739. WAREHOUSE. A building used primarily for the storage of goods and materials. *(amended by MC30-25-10 on 3/15/10)*
740. WASTE. Any garbage, refuse, manure, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded

materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source, special nuclear or by-product materials as defined by the Atomic Energy act of 1954, as amended to January 1.

745. WATER SOURCE PROTECTION AREA. A geographical area overlying a geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use. Any deposition of sand and gravel that is connected to water bearing strata or is not isolated.
750. WATER TABLE. The upper surface of a zone of saturation where the body of ground water is not confined by an overlying impermeable zone.
755. WHOLESALE MERCHANDISING/TRADE. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
760. WIND ENERGY CONVERSION SYSTEM(WECS). Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.
765. WIRELESS COMMUNICATIONS FACILITIES. Any cables, wires, lines, wave guides, antennae, antenna arrays, and any other equipment associated with the transmission or reception of telecommunications signals which a person seeks to locate or have installed upon or near a telecommunications tower or antenna support structure.
770. YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
775. YARD LINE. See (Building Line).
780. YARD, REAR. A yard extending the full width of the lot between a principal building and the rear lot line.
782. YARD, REQUIRED. A required yard shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this ordinance. *(amended 08/17/09 By MC30-02)*

785. YARD, REQUIRED FRONT. The required front yard shall extend across the front of a lot between the property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.
790. YARD, REQUIRED REAR. The required rear yard shall extend across the rear of a lot between the property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.
800. YARD, REQUIRED SIDE. The required side yard shall extend between the required front yard line and the required rear yard line. There shall only be one required side yard on a corner lot.
805. YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
810. ZONING DISTRICT. A specifically delineated area in the joint zoning jurisdiction within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. *(amended by MC30-04-03)*
815. ZONING PERMIT. A document signed by the Planning Director or an authorized representative as a condition precedent to the commencement of a use or the erection, construction, re-construction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use, or building complies with the provisions of the zoning regulations or an authorized variance therefrom.