

# City of Mobridge

2020  
Revised Zoning Ordinances  
of the City of Mobridge, South Dakota

Zoning Regulations  
Subdivision Regulations

Effective: August 19, 2020

2020 REVISED ZONING ORDINANCES

CITY OF MOBRIDGE  
SOUTH DAKOTA

CITY COMMISSIONERS:

Gene Cox – Mayor  
Heather Beck – City Administrator  
Heather Beck – Finance Officer

Jeff Landreaux – Council Member  
Curtis Reichert – Council Member  
Jade Mound – Council Member  
Kyle Jensen – Council Member  
Tony Yellowboy – Council Member  
Randy Carlson – Council Member

Austin Hoffman – City Attorney

PLANNING AND ZONING COMMISSION:

Jacqueline Rawstern – Zoning Administrator

TABLE OF CONTENTS

1 SHORT TITLE .....8

2 PURPOSE AND JURISDICTION .....8

2.01 Purpose

2.02 Area of Jurisdiction

3 LEGAL PROVISIONS.....9

3.01 Minimum Requirements and Conflict

3.02 Repeal of Conflicting Ordinances

3.03 Separability

3.04 Conformance Required

3.05 Pending Applications

3.06 Effective Date

3.07 Violations, Penalties

3.08 Remedies

4 DEFINITIONS.....11

4.01 Definitions

4.02 STORAGE CONTAINERS

5 ESTABLISHMENT OF ZONING DISTRICTS AND  
OFFICIAL ZONING DISTRICT MAP.....34

5.01 Zoning Districts

5.02 Zoning District Map

5.03 Zoning District Boundaries

5.04 Zoning Map Change

5.05 Zoning Map Replacement

6 GENERAL ZONING DISTRICT PROVISIONS.....37

6.01 General

6.02 Zoning Affects Every Building and Use

6.03 Required Lot Area or other Open Space Cannot be Used

6.04 Obstruction to Vision at Street Intersection Prohibited

7 NONCONFORMING USES AND STRUCTURES.....38

7.01 Intent

7.02 Non-Conforming Uses

7.03 Non-Conforming Structures

7.04 Repairing Damaged Building

8 AGRICULTURE DISTRICT (AG).....	40
8.01 Statement of Purpose	
8.02 Permitted Uses	
8.03 Prohibited Uses	
8.04 Area and Dimensional Standards	
8.05 Dwellings on Farms	
8.06 Requirements for Accessory Structures	
9 LOW DENSITY RESIDENTIAL DISTRICT (R-1) .....	42
9.01 Statement of Purpose	
9.02 Permitted Uses	
9.03 Prohibited Uses	
9.04 Area of Dimensional Standards	
9.05 Requirements for Accessory Structures	
10 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) .....	45
10.01 Statement of Purpose	
10.02 Permitted Uses	
10.03 Prohibited Uses	
10.04 Area of Dimensional Standards	
10.05 Requirements for Accessory Structures	
11 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME DISTRICT (R-3) .....	48
11.01 Statement of Purpose	
11.02 Permitted Uses	
11.03 Prohibited Uses	
11.04 Area of Dimensional Standards	
11.05 Requirements for Accessory Structures	
12 GENERAL COMMERCIAL DISTRICT (GC).....	51
12.01 Statement of Purpose	
12.02 Permitted Uses	
12.03 Prohibited Uses	
12.04 Area and Dimensional Standards	
13 HIGHWAY COMMERCIAL DISTRICT (HC).....	54
13.01 Statement of Purpose	
13.02 Permitted Uses	
13.03 Prohibited Uses	
13.04 Area and Dimensional Standards	

14 LIGHT INDUSTRIAL DISTRICT (I-1) .....	56
14.01 Statement of Purpose	
14.02 Permitted Uses	
14.03 Area of Dimensional Standards	
15 HEAVY INDUSTRIAL DISTRICT (I-2) .....	59
15.01 Statement of Purpose	
15.02 Permitted Uses	
15.03 Area and Dimensional Standards	
16 CONSERVATION DISTRICT (CN) .....	61
16.01 Statement of Purpose	
16.02 Permitted Uses	
16.03 Prohibited Uses	
16.04 Area and Dimensional Standards	
16.05 Development Standards in Designated Flood Plain Areas	
16.06 Establishment of Boundaries in Flood Plain Areas	
16.07 Warning and Disclaimer of Responsibility	
17 SIGNS AND BILLBOARDS.....	64
17.01 General Provisions	
17.02 Signs in the “R-1”, “R-2”, “R-3”, and “CN” Districts	
17.03 Signs in the “GC” district	
17.04 Signs in the “HC”, “I-1”, “I-2”, and “AG” Districts	
17.05 Billboard Signs	
17.06 Sign as Obstruction/Deception	
17.07 Sign Responsibility, Maintenance, and Removal	
17.08 Nonconforming Signs	
18SPECIAL USE REGULATIONS.....	68
18.01 Exceptions to Applications	
18.02 Home Occupations	
18.03 Group Housing Planned Unit Development	
18.04 Mobile Home Parks	
18.05 Mineral Exploration, Extraction Storage and Processing	
18.06 Off-Street Parking and Loading Standards	
18.07 Airport Standards	

19 ADMINISTRATIVE PROCEDURE AND ENFORCEMENT.....	78
19.01 Zoning Administrator	
19.02 Building Permits Required	
19.03 Application for Building Permits	
19.04 Construction and Use to be provided in Applications and Permits	
19.05 Obtaining a Building Permit	
19.06 Fee for Building Permit	
20 CITY PLANNING AND ZONING COMMISSION .....	82
20.01 Organization	
20.02 Proceedings of the City Planning and Zoning Commission	
20.03 Hearings, Appeals, and Notices	
21 ADMINISTRATION.....	84
21.01 Administrative Review	
21.02 Conditional Uses; Conditions Governing Applications; Procedures	
21.03 Variances, Conditions Governing Applications; Procedures	
21.04 City Planning and Zoning Commission has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator	
21.05 Vacated Public Ways	
21.06 Power and Duties	
22 APPEALS .....	87
22.01 Duties of Zoning Administrator, City Planning and Zoning Commission, Board of Adjustment, and Courts on Matters of Appeal	
22.02 Stay of Proceedings	
22.03 Appeals from the City Planning and Zoning Commission; Procedures of Appeal	
23 SCHEDULE OF FEES, CHARGES, AND EXPENSES.....	88
23.01 Schedule of Fees, Charges, and Expenses	
24 AMENDMENTS .....	89
24.01 Amendments	
25 VIOLATIONS, COMPLAINTS, PENALTIES, AND REMEDIES ADMINISTRATION.....	90
25.01 Building Permit Violations	
25.02 Violation of Ordinance	
26 LEGAL STATUS PROVISIONS.....	91
26.01 Separability	
26.02 Purpose of Catch Heads	
26.03 Repeal of Conflicting Ordinances	
26.04 Effective Date	

APPENDIXES

APPENDIX A ..... Modular, Manufactured, and Mobile Home Standards  
APPENDIX B .....Industrial Performance Standards  
APPENDIX C .....Concentrated Animal Feeding Operation (CAFO)  
APPENDIX D ..... Subdivision Regulations  
APPENDIX E .....Procedure Re-Platting Land  
APPENDIX F .....Procedure for Municipal Annexation  
APPENDIX G ..... Procedure for Rezoning  
APPENDIX H .....Lot Terms and Descriptions  
APPENDIX I .....Official Zoning Map(s)  
APPENDIX J.....Vehicle Storage Yard Requirements  
APPENDIX K..... Vehicle Repair Business Requirements

## TITLE 1 – SHORT TITLE

**1.01** Title. This Ordinance shall be known and may be cited and referred to as “Code of Zoning Ordinances of 2013” or the “Mobridge City Zoning Ordinances” or the “Mobridge Zoning Code.”

## TITLE 2 – PURPOSE AND JURISDICTION

**2.01** Purpose. This Ordinance is adopted for the below listed purposes, all in accordance with the Mobridge City Comprehensive Plan as permitted by the provisions of Chapter 11-6, South Dakota Codified Laws.

1. To promote the public health, safety, comfort and general welfare of the citizens of the City.
2. To encourage the use of lands and natural resources in the City in "accordance with its character, adaptability, and suitability for particular purposes.
3. To promote orderly and beneficial development within the City in furtherance of the comprehensive plan.
4. To protect the character and stability of agricultural, residential, commercial, industrial and public areas.
5. To prevent excessive concentration of population, and to avoid or lessen congestion on the streets and highways of the City.
6. To facilitate adequate provision of streets and highways, sewage facilities, drainage systems, water supply and distribution, fire protection, police protection, educational and other public services.
7. To provide adequate light, air, privacy and convenience of access to property.

**2.02** Area of Jurisdiction. Pursuant to SDCL 11-6-11, the provisions of this Ordinance shall apply within the corporate limits of the City of Mobridge, South Dakota, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of three (3) miles in all directions, as established on the map entitled "The Official Zoning Map of the City of South Dakota," as the same may be amended by subsequent annexation. Pursuant to SDCL 11-4, whereas the City of Mobridge has assumed zoning jurisdiction in an area outside of its corporate limits, the Walworth County Planning Commission shall sit with the City Planning Commission on all matters pertaining to the planning and regulation of such area and no zoning powers provided by this Ordinance shall be effective in any such area unless approved by a two-thirds (2/3) vote of the members of each of the Commissions, unless waived by the county.



## TITLE 3 – LEGAL PROVISIONS

**3.01 Minimum Requirements and Conflict.** In the interpretation of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare. When a provision of this Ordinance differs or conflicts with the provisions of any other Ordinance, resolution, statute, law or regulation, the most restrictive requirement shall apply.

**3.02 Repeal of Conflicting Ordinances.** All Ordinances or resolutions, or parts of ordinances or resolutions, in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**3.03 Separability.** If, in the event, any article, section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**3.04 Conformance Required.** Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the District in which it is located.

**3.05 Pending Applications.** Nothing contained herein shall require any change in the plans, construction, size, or designated use of any development, building, structure or part thereof, for which a required building permit has been granted, or based upon a pending application duly filed lawfully, could have been granted, before the effective date of this Ordinance, provided that construction is begun no later than six (6) months after the effective date of this Ordinance and is carried on to completion in a reasonable manner and without unnecessary delay.

**3.06 Effective Date.** This Ordinance shall take effect and be in force after its passage and publication according to law.

**3.07 Violations, Penalties.** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Ordinance or any amendment thereto. Any violation of the provisions of this Ordinance shall be misdemeanor, and, upon conviction, shall subject the owner or any person who has assisted in the commission of such violation, or who uses or maintains any building or premises in which such violation exists, to a fine of not more than two hundred (\$200.00) dollars. Each day that violation is permitted to exist may constitute a separate offense.

**3.08 Remedies.** 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 SDCL 11-4 as amended, or this Ordinance, the Zoning Enforcement Officer or other

appropriate authorities of the City may take appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

## TITLE 4 - DEFINITIONS

4.01 Definitions. For the purposes of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure", the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The following words, terms and phrases are hereby defined and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

**Accessory Building.** A subordinate building, the use of which is incidental to that of a main building located on the same lot therewith.

**Accessory Agricultural Structure.** A structure customarily incidental and necessary to farming and the raising of animals including barns and other animal shelters, corrals and fences, silos, and storage sheds for machinery and crops.

**Accessory Use.** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**Actual Construction.** Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially commenced, preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**Advertising.** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising whether placed on the ground, rocks, trees, tree-stumps, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roof-board, frame, support, fence, or other manmade structure, and any such advertising is a structure within the meaning of the word "structure" as used in this Ordinance.

**Advertising Sign or Structure.** See Sign

**Agriculture.** The use of land for agricultural purposes, including the production of field crops, dairying, pasturage, farm woodlots, horticulture, apiculture, animal and poultry husbandry and the normal processing and sale of agricultural products, but not including specialized animal raising except as an accessory to other agriculture activities.

**Agriculture Product Processing Facility.** A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, and soy bean processing facilities.

Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Alterations, Structural. See structural alterations.

Amendment. A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the official zoning map.

Amusement and Recreation Establishments. Businesses whose primary function is entertainment, such as theaters, billiard halls, etc.

Animal Feeding Operation. An animal feeding operation is a facility where more than one thousand (1,000) animal units are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

Animal Raising, Specialized. The use of land and buildings for the commercial raising, care and sale of fur-bearing animals such as foxes, mink, rabbits, dogs and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use, as herein defined.

Animal Units – A unit of measure for livestock equated as follows; one animal unit is equivalent to:

- 1 Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds;
- 0.5 Horse;
- 0.7 Mature dairy cattle, excluding dairy calves under 300 pounds;
- 0.27 Farrow-to-finish sows;
- 1 Swine in a production unit;
- 9 Nursery swine less than 55 pounds;
- 2.5 Finisher swine over 55 pounds;
- 10 Sheep or lambs;
- 30 Laying hens or broilers;
- 5 Ducks and/or geese; and 55 Turkeys.

Animal Unit Conversion Table. A conversion table designed to integrate the definition of an animal feeding operation with the animal unit definition.

#### Animal Species Animal

##### Units

Cow, feeder or slaughter beef animal, excluding calves under 300 pounds 1,000

Horses 500

Mature dairy cattle, excluding calves under 300 pounds 700

Farrow to finish sows 270

Swine in a production unit 1,000

Nursery swine less than 55 pounds 10,000  
Finisher swine over 55 pounds 2,500  
Sheep 10,000  
Laying hens or broilers 30,000  
Ducks and/or geese 5,000  
Turkeys 55,000

**Animal Waste Facility.** A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

**Apartment.** A dwelling unit located in an apartment building.

**Apartment Building.** See Dwellings, Multiple

**Apartment Hotel/House.**

A. A dwelling unit located in an apartment building. A building or portion hereof containing three (3) or more dwelling units or individual guest rooms or suites or guest rooms not for the use of transients, or See structural alterations.

B. An apartment building in which all or most of the dwelling units are provided with maid service.

**Aquaculture.** Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

**Area, Building.** The total area taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, and steps.

**Assisted Living Center.** Any institution, rest home, boarding home, place, building, or agency which is maintained and operated to provide personal care and services which meet some need beyond basic provision of food, shelter, and laundry in a free-standing, physically separate facility which is not otherwise required to be licensed. May also be considered a Group Care Facility.

**Automobile-Machinery Service Station.** Building and premises where motor fuel, oil, grease, batteries, tires, and vehicle accessories may be supplied and dispensed at retail, and where, in addition, customary repair services may be rendered.

**Automobile Salvage Yard.** See junkyard.

**Automobile or Trailer Sales Area.** An open area used for display, sale or rental of a new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.

**Basement.** A story, the floor of which is more than one half (1/2) of its story height below the average level of the adjoining ground. Any story which is not a basement story shall be counted as a story for purposes of height, yard or other open space measurement.

**Bed and Breakfast.** An establishment that operates like an Inn or Motel that offers breakfast.

**Billboard.** See Sign.

**Board.** The Board of Zoning Adjustment, City of Mobridge, South Dakota.

**Boarding or Lodging House.** A building or part thereof, other than a hotel or motel, where both meals and lodging are provided, for compensation, for three or more persons, not transient, where no cooking or dining facilities are provided in individual rooms. (See also "Rooming House")

**Body Shop.** See Vehicle Repair Business.

**Buildable Area.** The portions of a lot remaining after required yards have been provided.

**Building.** Any structure having a roof supported by columns or walls used for shelter or enclosure of persons, animals, or property.

**Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the building.

**Building, Length of.** For the purpose of computing required yard dimension or distance between buildings, the length of a building shall be the total length of the exterior wall or walls which are most nearly parallel to the lot line or other building to which the dimension or distance is measured.

**Building Wall.** For the purpose of computing required yard dimension or distance between buildings, the building wall includes such wall, roof overhang, or parts thereof which is most nearly parallel with the lot line or other building wall to which to dimension or distance is measured.

**Building, Main or Principal.** A building in which is conducted the principal use of lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**Building Set-Back Line.** A line delineating the minimum allowable distance between the street right-of-way and the front of a structure, within which no building or other structure shall be placed except as provided in Article 19, Section 19 .01. The building set-back line is parallel to or concentric with the street right-of-way.

**Building Site.** A lot parcel, or portion thereof, whether a lot of record or described by metes and bounds, used or intended to be used as the location of a building for housing one or two families.

**Business Services.** Any activities conducted for gain which render service primarily to other commercial and industrial enterprises) or which service and repair appliances and machines used in a home or business.

**Campground.** Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicle or enclosures, used or intended for use or intended wholly, or in part, for the accommodation of transient campers.

**Camping Unit.** Any vehicle, tent, trailer or portable shelter used for camping purposes.

**Commercial Trucking Terminal.** A building, structure or place where twelve (12) or more commercially licensed trucks or trailers are rented, leased, kept for hire, or stored or parked for compensation, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include warehouse space.

**Commission, Planning.** The Mobridge City Planning and Zoning Commission.

**Comprehensive Plan.** The Comprehensive Plan for the City of Mobridge or parts thereof, as and when adopted or amended by the Mobridge City Council.

**Conditional Use; Special Exception.** A principal use which is subject to conditional approval by the Board of Zoning Adjustment. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:

- A. Where there is a specific provision in this ordinance for such use within the District involved, or
- B. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed as permitted such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.

**Congregate Housing.** A residential facility for elderly persons (age 60 or older) within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

**Convenience Store.** A retail store in which articles for sale are restricted to gasoline sales and a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy. Retail sales may also include the limited sale of magazines, books, housewares, toiletries, bait, alcoholic beverages and tobacco. Recreational sales would include video lottery machines.

**Day Care Center.** Any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children. Notwithstanding any other provision of these ordinances to the contrary, a Day Care Center located in any building or facility in areas zoned R-1, R-2 and R-3 where the building or facility is also the primary residence of the operator of the Day Care Center, shall be deemed a permitted use. All other Day Care Centers located in the areas zoned R-1, R-2 and R-3 where the building or facility is not the primary residence of the operator of the Day Care Center shall be deemed a conditional use.

**District, Zoning.** A designated portion of land within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

**Domesticated Large Animals.** Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purposes of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

**Dump.** A lot or parcel of land or part thereof used primarily for the disposal of solid waste such as garbage, sewage, trash, refuse, Junk, discarded machinery, vehicles or parts thereof, or waste material of any kind, by' dumping, burial, burning or any other means.

**Dwelling.** Any building or portion thereof designed or used as the home of one or more persons or families, but not including a tent, cabin, hotel, motel, trailer or mobile home. This definition shall include a modular dwelling, as defined herein.

**Dwelling, Fixed.** A dwelling permanently fixed to the ground, which shall not include mobile homes.

**Dwelling, Mobile.** (see Appendix A) A movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for human occupancy and habitation as a permanent residence for one (1) or more persons whether resting on wheels, jacks or other supports.

The term shall include:

A. Units containing parts that may be folded, collapsed or telescoped when being towed and that maybe expanded to provide additional cubic capacity; and

B. Units composed of two (2) or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. This definition shall not include a travel or vacation vehicle, either self-propelled or nonself-propelled, as separately defined.



Dwelling, Modular. (see Appendix A) A fixed dwelling comprising one or more pre-assembled or partially pre-assembled modules or units, built using the same type of materials used in conventional on-site construction, without integral chassis, brought to the building site by temporary means of transport, assembled and permanently anchored to the ground. A mobile home, as defined herein, shall not be deemed to be a modular unit or a modular dwelling.

Dwelling, Multi-Family. A building or portion thereof designed for or used for residence purposes by three or more families, including an apartment building, townhouse or condominium.

Dwelling, Single Family. A building designed for and used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Seasonal. A summer cottage, winter lodge or similar lodging occupied less than six (6) months during a year.

Dwelling, Town House. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance, whether maintained in a single ownership, separate ownership, or condominium.

Dwelling, Two Family. A building designed for and used exclusively by two independent families or housekeeping units.

Dwelling Unit. One or more rooms designed for, intended for, or used as a residence by one family with facilities for cooking, sleeping, and sanitation therein.

Exploration. Any process by which the presence or absence location, quantity, or quality of a mineral deposit is determined, whether it be by means of drilling, or excavation.

Family. A group of one (1) or more persons occupying a-premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

Farm, Ranch, Orchard. An area of forty (40) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation.

The processing and storage of raw agricultural products, such as grain elevators, and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farm Building. All buildings and structures needed in agricultural operation, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

**Farm Occupation.** A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

**Farm Unit.** All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

**Feed Lot.** A lot or facility where animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

**Feed Lot, Commercial.** A place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feed lot is a part.

**Flammable or Combustible Liquids, or Hazardous Material.** Flammable material is any material that will readily ignite from common sources of heat, or that will ignite at a temperature of 600mF or less. Flammable liquid is any liquid having a flash point below 100mF and having vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100mF. Combustible liquid is any liquid having a flash point at or above 100mF. Hazardous material includes any flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hyperbolic materials, pyrophoric materials, and any substance or mixture substance which is an irritant, a strong sensitizer or which generates pressure through exposure to heat decomposition or other means.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source and, mudslides or flows which are proximately caused or precipitated by accumulations of water on or under the ground.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

**A. Flood Hazard Boundary Map.** An official map or plat of a community or City, issued or approved by the Federal Flood Administrator (Department of Housing and Urban Development), on which the boundaries of the flood plain, mudslide, and/or flood related erosion areas having special hazards have been drawn.

B. Flood Plain or Flood-Prone Area. Any normally dry land area that is susceptible to being inundated by water from any source. "Flood plain area having special flood hazards" means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e., that has a 1-percent chance of flood occurrence in any given year).

C. Flood Proofing. Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

D. Floodway. The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water-surfacing elevation more than one foot at any point.

E. Flood-way Encroachment Obstruction. Any dam, wall, wharf, embankment, levee, dyke, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

F. Habitable Floor. Any floor used for living, which includes working, sleeping, eating, cooking or recreation, or combination thereof. A floor used only for storage purposes is not a habitable floor.

G. Special Flood Hazard Area. The land within a community or City in the flood plain, which is subject to a one percent chance of flooding annually. Floor Area. The measurement of floor area for purposes required by this Ordinance shall be the sum of the area of the first floor, as measured to the inside of exterior walls, plus that area, similarly measured, of all other stories having eight-four (84) or more inches of headroom, which are accessible by a fixed stairway, elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building, attics, breezeways and unenclosed porches shall be excluded.

Frontage. All sides of a lot or parcel of land adjacent to the right-of-way of a street or road.

Game Farm. An area of five (5) acres or more, which is used for producing hatchery, raising game and non-domestic animals for sale to private shooting preserves.

Game Lodge. A building or group of detached, or semi-detached, or attached buildings occupied or used as temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of self-propelled vehicles and incidental residential storage.

Garage, Public. A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, renting, selling, or storing self-propelled vehicles.

Grain Elevator. Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins where such storage is an accessory use to the parcel.

Hobby Farm. An activity carried out in rural residential areas which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards.

The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area which the livestock or poultry is kept, is two (2) acres or more in area for every two (2) domestic large animals, and if such livestock does not exceed ten (10) animals: or the raising of livestock or poultry is incidental or supplemental to the residential use and is not primarily for the growing of crops or raising of livestock.

Holding Pens. A holding pen is a building, pen yard or fenced in area where livestock are kept or held for more than 48 hours with the intent or purpose of subsequently transporting said livestock to another location.

Home Occupation. A subordinate gainful occupation which is carried on in the home in a Residential District, provided it is incidental to the residential use and meets the requirements of Titles 9, 10, and 11 of this Ordinance.

Horticulture. The science or art of cultivating fruits, vegetables, flowers, and plants.

Hotel, Motel. A building or buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.

House. A building that serves as living quarters for one or a few families.

House Trailer. See dwelling, mobile.

Junk Yard. The use of more than 750 cubic feet of open storage on any lot, or portion of a lot, or portion of a lot or tract of land where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of house wrecking and structural steel materials and equipment, scrap metals, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Kennel. Any lot or premises on which four (4) or more dogs and/or cats, more than six (6) months of age, are kept.

Lagoon. Any pond, basin, or other impoundment made by excavation or earthfill for storage or treatment of human sewage or animal waste.

Loading Space. Adequate space, logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used such as trucks, tractors, trailers, etc., and accessible to such vehicles at all times.

Lot. A parcel of land which is or may be occupied by a single main building and its accessory buildings or used customarily incident thereto, together with such yards or open spaces within the lot lines as may be required by this Ordinance. Such lot may consist of:

A single lot of record;

A portion of a lot of record;

A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

A parcel of land described by metes and bounds;

A. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

B. Lot, Double Frontage. An interior lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets.

C. Lot, Interior. A lot other than a corner lot.

Lot Area. The computed lot area within the lot lines.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street.

Lot Line. The property or street right-of-way lines bounding a lot.

A. Front Lot Line. In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and/or in the application for a zoning permit.

B. Rear Lot Line. The lot line opposite and most distant from the front lot line.

C. Side Lot Line. Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.

Lot of Record. A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Register of Deeds.

Lot Reversed Frontage. A reversed frontage lot is defined as a lot on which the frontage is at right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner or a through lot.

**Lot Width.** The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth, provided that the minimum lot widths required by this Ordinance shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

**Manufactured Home.** A moveable or portable dwelling which is eight (8') feet or more in width and forty (40') feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit.

The following shall not be included in this definition:

A. Travel trailer, pickup coaches, motor homes, camping trailers, or other recreational vehicles.

B. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, electrical, plumbing, and heating systems.

**Mineral.** For purposes of this ordinance, any substance either inorganic, or organically derived, which occurs naturally in the earth, and has a consistent and distinctive set of physical properties, to include coal, clay, stone, sand, gravel, petroleum, natural gas, and all metals.

**Modular Home Park.** A parcel of land under single ownership, which has been planned and improved for the placement of, manufactured homes for non-transient use.

**Mobile Home.** See "Dwelling, Mobile".

**Mobile Home Park.** Any area, tract or site or plot of land whereupon a minimum of five (5) mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**Modular Home.** See "Dwelling, Modular"

**Motel.** A group of attached or detached buildings on the same lot containing sleeping quarters for rental to transients.

**Navigable Waters.** A body of water presently being used or is suitable for use for transportation and commerce, or if it has been so used or was suitable for such use in the past, or if it could be made suitable for such use in the future by reasonable improvements.

**Net Assignable Square Feet.** The sum of all areas on all floors of a building assigned to, or available for assignment to, an occupant or specific use.

**Non-conforming Structure.** A building or structure, lawfully existing at the time of the effective date of this Ordinance, that does not conform to the provisions of this Ordinance as to lot area, yard or building height requirement for the zoning district in which it is located.

**Non-conforming Use.** The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this ordinance that does not conform to the use regulations for the zoning district in which it is located.

**Noxious Matter.** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals.

**Nursery.** A facility confining a specific number of small and/or young swine averaging ten (10) to fifty-five (55) pounds in size.

**Nursing Home, Rest Home, Convalescent Home.** A place which undertakes through its ownership or management to provide maintenance, personal, or nursing care for three or more persons who by reason of illness, physical deformity, or old age are unable to care for themselves.

**Obstruction.** Any structure or vegetation that blocks the complete vision of people.

**Open Space.** This term, as used in this Ordinance is intended to refer to front, side or rear yards adjoining buildings, or to other land space not occupied by buildings, required or provided to afford light, recreational opportunities, ventilation, visibility and other requirements for a healthful environment.

**Operation.** Any person(s) conducting or directing mineral exploration, extraction, or processing operations for the purpose of determining the potential for, or receiving, commercial gain.

**Ownership Line.** A line defining ownership of property under one owner of record.

**Parking Area or Lot.** An open area, other than a street or other public way, used for the parking of motor vehicles.

**Parking Garage.** A structure designed and used primarily for the storage or parking of passenger automobiles, including such accessory servicing of such automobiles as may be permitted by this Ordinance.

**Permit.**

A. **Permit, Conditional Use.** A permit granted by the Board of Zoning Adjustment for uses which are listed as "Conditional Uses" (as opposed to "Principal Uses") within a particular zoning district. The conditional use permit shall authorize the construction or alteration of buildings or structures in accordance with this Ordinance and shall specify any additional requirements as outlined by the Board of Zoning Adjustment.

B. **Permit, Occupancy.** A document issued by the Zoning Enforcement Officer which certifies that the completed building, structure or use proposed is consistent with the requirements of this Ordinance and for the use applied for.

C. Permit, Zoning. Any permit which authorizes the construction or alteration of buildings or structures in accordance with this Zoning Ordinance Planned Unit Development. An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Plat. A map, plan, or layout indicating the location and boundaries of individual properties.

Private Shooting Preserves. An acreage of at least one hundred sixty (160) acres and not exceeding one thousand two hundred eighty (1,280) acres either privately owned or leased on which hatchery raised game is released for the purpose of hunting, for a fee, over an extended season.

Property Line. The division between two parcels of land, or between a parcel of land and the street and/or road.

Public Uses. All lands, other than streets and highway, owned by and officially designated for continuing public use by a municipality, City, school district, State of South Dakota, United States Government, or any other duly constituted agency of government, such as parks, schools and administrative, recreation, cultural and service buildings.

Ranch Building. See Farm Building

Ranch Occupation. See Farm Occupation

Ranch Unit. See Farm Unit

Recreation Facilities.

A. Recreation Facilities, Private. Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, golf courses, riding clubs, golf courses, riding clubs, fishing or hunting clubs, game preserves, ski slopes, swimming pools and other similar non-commercial recreation areas or facilities.

B. Recreation Facilities, limited Commercial. Recreation areas and facilities open to the public, established and operated for profit, limited to enterprises serving vacationing and/or one-day customers, including picnicking, camping, fishing and boating, with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.

C. Recreation Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, ski lodges and slopes, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.



**Residential Care Facility.** A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for the protection of the individual.

**Right of Way.** Right of way shall be defined as the area that intersects a road that extends into a piece of property, whether residential, commercial, or industrial, either owned by a private resident, city, county, state, business, or corporation, that can be accessed by individuals, businesses, city, county, and state personnel to conduct road or utility work.

The setback on county roads shall be thirty three (33') feet, measured from center of the road extending out directly on one side of the road. The total setback is sixty six (66') feet, when measured on both sides of the road. A building or other structure shall not be placed or constructed within the setback area. A building or other structure may only be placed or constructed after fifty (50') feet, measured from the center of the road extending out directly on one side of the road. The total setback for buildings and other structures is one hundred (100') feet, when measured on both sides of the road.

In the case of farming, no farmer shall utilize the area within the right of way without written permission from the county. If farming takes place within the right of way, the county, or other person or group on official business, may, without permission from the farmer in violation, conduct business within the right of way, even if it disturbs the farming that is taking place.

**Rooming House.** A building or part thereof other than a hotel or motel, where lodging is provided for compensation for three (3) or more persons, not transients, where no cooking or dining facilities or services are provided (See also "Boarding House").

**Row of Trees.** Ten or more trees planted in a line, separated by a distance of forty (40') feet or less.

**Running Gear.** The parts which allow a manufactured home to be mobile including the tires, wheels, axles, running lights, and hitch. This definition shall include all mobility items exclusive of the parts of the chassis which make up the structural integrity of the manufactured home.

**Salvage Yard.** The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

**Sanitary Landfill.** A disposal facility employing an engineered method of disposing of solid wastes on land in such a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover material at the end of each working day.

**School, Denominational or Private.** A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools and accredited by the State of South Dakota; but excluding private trade or

commercial schools. "Day Care Center" as herein defined, shall not be considered schools as applicable to this definition.

**School, Public.** A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited by the State of South Dakota; but excluding private trade or commercial schools.

**Self-Storage Facility.** A structure containing three or more units which are available for lease or rent by persons other than residents of the premises for the storage of goods not related to the sale or manufacture of goods on the same lot.

**Semi-Portable Agricultural Structures.** Anything which requires placement on the ground for agriculture related purposes. Semi-portable agricultural structures include, but are not limited to, feed bunks, calving, lambing, or farrowing sheds, and temporary grain storage facilities.

**Semi-Public Users.** Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery, church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery or other institutions of an educational, religious, charitable, or philanthropic nature but not including any private club, lodge, fraternity or other similar activity.

**Service Station.** Buildings or premises, or portions thereof arranged or designed to be used for the retail sale of oil, gasoline or other products for the propulsion or lubrication of motor vehicles, including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor, transmission or chassis repairing and body bumping and painting.

**Shelterbelt.** Five or more rows of trees and/or shrubs which reduces erosion and protects against the effects of wind and storms.

**Shelterbelt Restoration.** The removal and replacement of two or more rows of trees or of trees totaling one-half (1/2) acre or more, whichever is greater, in an existing shelterbelt.

**Sign.** Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or objects of similar character which:

Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structure, or any portable device, and

Is used to announce, direct attention to, or advertise and

Is visible from any street, alley, park, or other public area.

**A. Sign, Area of.** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or

uprights on which such sign is placed. For a sign having more than one (1) display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.

B. Sign, Accessory. A sign, which relates solely to the building or premises on which it is located, in any manner indicated by the definitions here-under for functional types of accessory sign.

C. Signs, Accessory, Defined by Function.

(1) Bulletin Board. A sign of permanent construction, but with movable letters words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcement of services or activities to be held therein.

(2) Directional Sign. A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper, and convenient use of the premises on which the sign is located.

(3) Identification Sign. A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered therein.

(4) Temporary Sign. A banner, pennant, streamer, poster, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land or a portable device, and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal, cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

(5) Temporary Sign, Real Estate. A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(6) Temporary Sign, Construction. A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.

(7) Warning Sign. Any sign indicating a situation, which is dangerous or potentially dangerous.

D. Signs, Accessory, Defined by Structural Type.

(1) Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on, or attached to an awning, canopy or marquee.

(2) Free Standing Sign. A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.

(3) Projecting Sign. A sign, not a wall sign, suspending from or supported by building or similar structure and projecting therefrom.

E. Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

F. Sign Face. A single surface of a sign, upon against, or through which the message of the sign is exhibited.

G. Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous has intermittent variation in intensity of color.

H. Sign, Height. The vertical distance from the upper most point used in

measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.

I. Sign, Illuminated. A sign which is illuminated by an artificial source of light.

J. Sign, Moving. Any sign or part thereof which rotates, revolves, or otherwise is in motion.

K. Sign, Structure. The supports, uprights, bracing, or framework for signs. Slaughter House. A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood, or other by-products.

Story. That portion of a building between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty (50%) percent of the usable floor area of the floor immediately below it.

Street. A public or private thoroughfare which affords the principal means of access to abutting property. The term "street" shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street Line. The right-of-way line of a street or road.

Structure. Any constructed or erected material or combination of materials, the use of which requires location on the ground, including but not limited to, buildings, stadiums, radio towers, sheds, storage bins, swimming pools, walls, fences, and signs.

Structural Alteration. Any change in the structural members of a building, such as load bearing walls, floors, columns, beams, or girders.

Subdivision Regulation. The Subdivision Regulations for the City of Mobridge or parts thereof, as and when adopted or amended by the Mobridge City Council.

Swine Production Unit. An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

**TEMPORARY BUILDING:** All storage structures which are used or manufactured to be of a temporary nature, such as storage containers, tents, soft covered shelters and other similar type storage structures and all other storage type structures which are not permanently affixed to the real estate by footings or foundations. This does not include Accessory Buildings as defined in these ordinances. Except as otherwise contained in the Zoning Ordinances of the City of Mobridge, it shall be unlawful to place or keep temporary buildings on all zoned property without first obtaining a TEMPORARY BUILDING permit from the City Zoning Officer. The

cost of obtaining a TEMPORARY BUILDING permit shall be the sum of \$20.00. No TEMPORARY BUILDING permit shall be issued for a term longer than one year. At the expiration of the term of the TEMPORARY BUILDING PERMIT, the temporary building shall be removed. The City Zoning Officer shall have discretion in issuing or refusing to issue the TEMPORARY BUILDING permit and the term of the permit by taking into consideration the condition, type and nature of the temporary building to be placed and the location and purpose of the temporary building so that the temporary building does not interfere with or detract from the use and attraction of the neighboring properties. Temporary greenhouses used by commercial establishments to store and sell plants and trees which will be erected and dismantled within 6 months are exempted from the cost and requirement of obtaining a TEMPORARY BUILDING permit. Upon application, the City Council is authorized to waive the cost of obtaining a TEMPORARY BUILDING permit if the temporary building is to be used for a civic function.

**Tourist Home.** A building or part thereof, other than a hotel, motel, boarding house, lodging house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.

**Tow Business.** A business engaged in removing, or delivering to or from public or private property, any type of motor vehicle, or an item that was being transported or towed by a motor vehicle, by towing, carrying, hauling, or pushing, and shall include vehicle service stations, vehicle repair businesses, auto-body businesses, and automotive dealerships that have a tow truck and repair vehicles on-site. All businesses that operate a tow truck shall comply with the Vehicle Storage Yard Requirements.

**Town House.** See Dwelling, Town House.

**Trailer.** See "Dwelling, Mobile"

**Travel or Vacation Vehicle.** A vehicle, either self propelled or non-self-propelled, so constructed as to permit its continued conveyance upon public streets and highways, and so designed and constructed as to provide sleeping and/or eating accommodations for persons while traveling or vacationing. Any portable vehicle providing such accommodations having a usable length of forty five (45') feet or less shall be included within this definition, and shall not be defined as a mobile home.

**Utility Facilities.** Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**Variance.** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in the Ordinance, a variance is

authorized, only for height, area, and size of the structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. This is NOT to be confused with a conditional use.

**Vehicle Repair Business.** Any land, building, structure, or premises used for repair, alteration, restoration, painting, cleaning, finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles. The term “repairing” shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles. A repair shop does not include a junkyard/salvage yard, an impound lot, or an automobiles gas/service station, or a business whose main income is derived from the sale of vehicles. Parking and/or storage of repairable motor vehicles on property shall not exceed ten (10) spaces per every one thousand square feet of Net Assignable Square Feet (NASF). All Vehicle Repair Businesses shall comply with the Vehicle Repair Business Requirements.

**Vehicle Storage Yard.** A storage yard for the temporary storing of wrecked, abandoned or dismantled trucks, recreational vehicles, boats, and other vehicles that maybe returned to the owner or sold for recycled metal or parts to a junk and/or salvage yard within sixty (60) days of the towing date, an Vehicle Storage Yard does not include Salvage or Junk Yards. A Vehicle Storage Yard shall comply with the Vehicle Storage Yard Requirements.

**Video Lottery.** Any video game of chance played on video lottery machines.

**Video Lottery Machine Operator.** Any individual, partnership, corporation, or association that places video lottery machines or associated equipment for public use in this state.

**Video Lottery Machines, or Machine.** Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, keno, and blackjack, authorized by the commission utilizing a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens.

**Windbreak.** Any non-opaque man-made structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

**Yard.** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance that a building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

**A. Yard, Front.** An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street right-of-way and the front line of the building

projected to the sideline of the lot. The depth of the front yard shall be measured horizontally at right angles to the front lot line.

B. Yard, Rear. The required open space, extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line. In the case of through lots, there will be no rear yards, but only front and side yards.

C. Yard, Side. The open space extending from the front yard to the rear yard, measured between the nearest side lot line and a building. Any lot line not a rear line or a front line shall be deemed a sideline.

Zoning District; Zoning Use District; Uses District. These terms are synonymous with each other. See District Zoning.

Zoning Administrator. (also known as Zoning Officer or Zoning Enforcement Officer)  
Appointed by the City Council of Mobridge, and is responsible for carrying out the rules and regulations of this ordinance.

## **4.02 STORAGE CONTAINERS**

### **4.02.1 Purpose.**

The purpose of this chapter is to regulate the use of storage containers to protect the public health, safety, and welfare, and promote positive aesthetics in the city.

### **4.02.2 Definitions.**

A. An "accessory storage building" is: A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. For purposes of this section, cargo containers, shipping containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the extended storage of goods and materials (herein collectively termed as "Storage Containers") are not accessory storage buildings or accessory buildings.

B. Storage Containers include standardized reusable vessels that were:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities (commonly called cargo containers or shipping containers); and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo and shipping containers.

#### **4.02.3 Storage on residential use properties.**

A. Subject to rules on Temporary Buildings, Storage Containers shall NOT be permitted as accessory storage buildings on property in any residential zone of the city, or on any property within the city the primary use of which is residential. Cargo containers, shipping containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and other structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property the primary use of which is residential.

B. Notwithstanding the provisions set forth in subsection A of this section and subject to the rules for Temporary Buildings, the temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 30 days in any one calendar year.

C. Notwithstanding the provisions set forth in subsection A of this section and subject to the rules for Temporary Buildings, licensed and bonded contractors may use cargo or shipping containers for the temporary location of an office, equipment, and/or materials storage structure during construction which is taking place on the property where the cargo or shipping container is located, if the use of the cargo or shipping container is authorized pursuant to a city building permit.

#### **4.02.4 Storage Containers — Allowable locations.**

The placement of a Storage Containers as an accessory storage use is limited to the following zoning districts: GC General Commercial, HC Highway Commercial, I-1 Light Industrial, I-2 Heavy Industrial. The placement of Storage Containers is further limited to properties in the above-identified zones only if the property upon which the Storage Container is proposed to be located is not primarily used for residential purposes.

#### **4.02.5 Permit required — Development standards.**

A. Placement of a Storage Container on any allowable zoned property shall be deemed a Conditional Use and a conditional use permit is required prior to placement of any Storage Container in any allowable area, ensuring proper location and effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed Storage Container is accessory to the permitted use of the property and meets the placement criteria for the zone.

B. Storage Containers shall meet the setback requirements of the underlying zone and shall be setback an additional distance so as to not interfere with visibility of traffic on adjoining streets. All Storage Containers must also be located in the side or rear yard of any existing principal building on the lot or parcel. No Storage Containers may be placed closer than 25 feet from a residential zoned lot or a lot which is being used for residential purposes.



C. Storage Containers shall not be stacked above the height of a single container device. Storage Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

D. As a condition of placement, Storage Containers may be required to be fenced or screened from abutting properties and/or rights-of-way pursuant to the provisions of the underlying zoning regulations.

E. Storage Containers shall be located in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.

F. Storage Containers shall not occupy required off-street parking, loading or landscaping areas.

G. Materials stored within Storage Containers are subject to review and inspection by fire chief or fire marshal.

#### **4.02.6 Conflicts.**

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Code or other ordinances of the city, the terms and provisions of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Code or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

**TITLE 5 – ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**5.01 Zoning Districts.** For the purpose of this Ordinance, the City is hereby divided into nine (9) zoning districts. All parts of the City shall be designated on the zoning district map as being located in one of the zoning districts named hereunder.

AG Agriculture

R-1 Low Density Residential

R-2 Medium Density Residential

R-3 Medium Density Residential and Mobile Home

GC General Commercial

HC Highway Commercial

I-1 Light Industrial

I-2 Heavy Industrial

CN Conservation

**5.02 Zoning District Map.** The zoning districts, as established In Section 5.01 are shown on the Official Zoning District Map, which, together with all explanatory matter thereon, is hereby adopted and declared to be part of this Ordinance. The Official Zoning District Map shall be identified by the signature of the Mayor, attested by the City Finance Officer and bear the seal of the City under the following words:

"This is to certify that this is the Official Zoning District Map referred to in Section 5.02 of Ordinance No. \_\_\_\_\_ of the City of Mobridge, Walworth County, South Dakota, dated this \_\_\_\_\_ day of \_\_\_\_\_, (year)."

The Official Zoning District Map shall be and remain on file in the office of the City Finance Officer and shall be the final authority as to current zoning status in the City, regardless of the existence of purported copies of the Official Zoning District Map, which may, from time to time, be made or published.

If a separate airport-zoning map for the City of Mobridge is prepared it shall carry the above certification and shall be declared to be a part of this ordinance.

**5.03 Zoning District Boundaries.** The following rules shall apply to the interpretation of zoning district boundaries:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following the limits of political jurisdictions be construed as following such limits.
3. Boundaries indicated as approximately following platted lot lines, other property lines, or section lines and other government survey lines, shall be construed as following such lines.
4. Boundaries indicated as approximately adjoining a railroad right-of-way shall be construed to coincide with the nearest boundary line of such railroad right-of-way, unless otherwise fixed.

5. Boundaries indicated as approximately following the center lines of streams, rivers, or other continuously flowing or intermittent water courses, shall be construed as following the channel center line of such water courses as they existed at the time of adoption of this Ordinance; boundaries indicated as approximately following shore lines shall be construed to follow such shorelines, and in the event of change in the shore lines, shall be construed as moving with the actual shorelines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. If the boundary line cannot be shown accurately by any of the aforesaid methods, it shall be shown by written dimensions, indicating clearly the distance of said boundary line from the nearest parallel street centerline, government survey line, or other permanent and legally established line.

7. The Zoning Enforcement Officer shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Enforcement Officer's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Adjustment, as provided in Title 21.

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot.

9. Where the application of the aforesaid rules have a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment.

**5.04 Zoning Map Change.** If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning District Map, such changes shall be entered on the Official Zoning District Map by the Zoning Enforcement Officer within three (3) working days after the effective date of the amendment.

An entry on the Official Zoning District Map shall be made showing the approval date and the effective date of the amendment, which entry shall be signed by the Mayor and attested by the City Finance Officer.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 3.07.

**5.05 Zoning Map Replacement.** In the event that the Official Zoning District Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may authorize the preparation of a new Official Zoning District Map which shall supersede the prior Official Zoning District Map.

The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original Official Zoning District Map, or any subsequent amendment thereof. The new Official

Zoning District Map shall be identified by the signature of the Mayor, attested by the City Finance Officer and bear the seal of the City under the following words:

"This is to certify that this is the Official Zoning District Map of Ordinance No. \_\_\_\_\_ of the City of Mobridge, Walworth County, South Dakota effective as of the \_\_\_\_\_ day of \_\_\_\_\_, (year)."

Unless the prior Official Zoning District Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

## TITLE 6 – GENERAL ZONING DISTRICT PROVISIONS

**6.01 General.** Regulations governing the use of land and buildings are hereby established in the several zoning districts as set forth in the following Articles, with each zoning district being identified by name and alphabetic symbol. The regulations, within each district, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Only uses designated as permitted shall be allowed and any use not so designated shall be prohibited except in specific cases where the Board of Zoning Adjustment is authorized to rule on non-designated uses.

**6.02 Zoning Affects Every Building and Use.** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is placed.

**6.03 Required Lot Area or Other Open Space Cannot be Used.** No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Ordinance. No part of a yard, parking area or other space provided for any building in compliance with this Ordinance shall be included as part of a yard, parking area or other space required for another building except as otherwise provided in this Ordinance.

**6.04 Obstructions to Vision at Street Intersection Prohibited.** In all districts except General Commercial, on a corner lot, within the area formed by the centerline of streets at a distance of fifty eight (58') feet from their intersections, there shall be no obstruction to vision between a height of three and one half feet and a height of ten feet above the average grade of each street at a center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

## TITLE 7 – NON-CONFORMING USES AND STRUCTURES

**7.01 Intent.** It is the intent of this Ordinance to recognize that the eventual elimination of existing uses and structures which are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses which would violate these provisions. However, it is the further intent that any elimination of non-conforming uses or structures shall be effected in such a manner as to avoid unreasonable invasion of established private property rights.

**7.02 Non-Conforming Uses.** A non-conforming use, as defined in Title 4, may be continued, subject to exceptions and conditions set forth hereunder.

1. Change of Use. If no structural alterations are made, any non-conforming use may be changed to another non-conforming use provided that the Board of Zoning Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

2. Abandonment. No building, structure, or premises where a non-conforming user has ceased for one (1) or more years shall again be put to a nonconforming use, per SDCL 11-2-27.

**7.03 Non-Conforming Structures.** A non-conforming structure, as defined in Title 4, may be continued, subject to the following conditions and requirements.

1. Structural Alteration, Extension, or Repair. A non-conforming structure may be altered, extended, or repaired without prior approval of the Board of Zoning Adjustment, provided that such alteration, extension or repair does not increase the degree of the non-conformity, for example:

A. If a yard is non-conforming as to its dimension, such dimension shall not be further decreased, nor shall the length or heights of the exterior walls adjoining such non-conforming yard be increased.

B. If the building height is non-conforming, it shall not be increased.

2. Expansion of Use. No non-conforming structure may be changed to provide for an expansion of its use except by approval of the Board of Zoning Adjustment, even though such expansion is in accordance with the use requirements of this Ordinance. Examples of such expansion include increasing the number of dwelling units or the floor space of a commercial or industrial establishment. In approving an appeal for expansion of use in a nonconforming structure, the Board shall find that such extension will not have a detrimental effect on neighboring property.

**7.04 Repairing Damaged Building.** A non-conforming building or a building occupied by a non-conforming use, which is damaged or destroyed by fire, flood, winds, acts of God, or other causes beyond the control of the owner, may be repaired or reconstructed and the non-conforming use, if any, may be continued, provided the repair or reconstruction does not increase the degree of the non-conformity. All repair or reconstruction of the damaged building shall be commenced immediately and all repairs or reconstruction shall be completed within one year from the date of the damage. In the event any damaged or destroyed building remains after

the event causing the damage and the remains of the building constitute a nuisance, said nuisance condition shall be abated within 3 months from the date of the event.

## TITLE 8 – AGRICULTURAL DISTRICT

**8.01** Statement of Purpose. This District is primarily for agricultural and non-farm, or suburban residential uses.

### **8.02** Permitted Uses.

#### 1. Principal Uses.

A. Agriculture, including the production of field crops, dairying, pasturage, farm woodlots, horticulture, apiculture, animal and poultry husbandry and the normal processing and sale of agricultural products, but not including specialized animal raising except as an accessory to other agricultural activities.

B. Fish and wildlife production areas.

C. Single-family dwellings.

D. Publicly owned recreation facilities.

E. Transportation and utility easements and rights-of-way.

#### 2. Conditional Uses. (Subject to approval by Board of Zoning Adjustment)

A. Airports (See Section 18.07)

B. Mobile Homes

C. Specialized animal raising and care

D. Veterinary clinic or hospital

E. Mineral exploration and extraction. (See Section 18.05).

F. Recreation Facilities, private and limited commercial

G. Public uses

H. Semi-public uses

I. Seasonal dwellings

J. Sanitary landfills and dumps

K. Storage and/or sales of fertilizer, agricultural anhydrous ammonia, and agri-chemicals

L. Water Treatment Facilities

M. Historical monuments

N. Commercial feed lots, provided that no such special exception shall be issued unless and until the proprietor of such a feed lot has complied with the provisions of Chapter 46-25 SDCL.

O. Commercial radio or television stations and towers

P. Sewage treatment facilities

Q. Drive-in theatres.

#### 3. Accessory Uses.

A. Residential garages

B. Swimming Pools, garden houses, tool houses, play houses, sheds

C. Living quarters of persons employed on the premises

D. Boarders and roomers (limited to two)

E. Home occupations (See Section 18.02)

F. Required off-street parking space.

G. Stables (Not part of a farm)

H. Signs, accessory (See Title 17)

I. Temporary buildings.

J. Roadside produce stands in conjunction with a bonafide farm operation on the premises

K. Other accessory uses as defined in Title 4.



**8.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited. Changes to the above use lists shall be made through proper amendment procedures.

**8.04 Area and Dimensional Standards.** All structures shall comply with the dimensional and area requirements as set forth in the following schedule:

	Minimum Lot Size		Minimum Yard Dimensions			Maximum		Maximum Coverage Lot (Percent)
	Area (Acres)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Bldg. (Feet)	Hght. (Strs.)	
Dwelling	5	150	100	20	20	30	2½	
Schools	5	400	100	50	50	30	2½	10
All Other Uses	5	150	100	40	40	30	2½	20
Shelter Belts			100					

**8.05 Dwellings on Farms.** No more than three (3) permanent dwelling units; including mobile homes, may be located on a farm, to be occupied only by families or persons engaged in the operation of the same farm. Ownership of the sites on which such dwellings are located shall not be transferred as separate parcels except in accordance with the Subdivision Regulations and the standards set forth in this Ordinance.

**8.06 Requirements for Accessory Structures.** An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed eighteen (18') feet except barns and other agriculturally related buildings which shall not exceed forty (40') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.
2. The height of all-accessory fences, walls or hedges shall comply with the requirements of Section 18.01 for such fences.
3. No accessory building in a rear yard shall be less than forty (40') feet from a side lot line or a rear lot line.

## TITLE 9 – LOW DENSITY RESIDENTIAL DISTRICT (R-1)

**9.01 Statement of Purpose.** This district is intended to encourage a variety of low density single-family and two family dwellings. The principal uses of land range from residences to uses, which are functionally compatible with low density residential uses. Recreational, religious and educational facilities, and other related uses in keeping with the residential character of the District may be permitted on review by the Board of Zoning Adjustment.

### **9.02 Permitted Uses.**

#### 1. Principal Uses

- A. Single-Family Dwellings
- B. Two-family Dwellings
- C. Transportation and utility easements and rights-of-way.

#### 2. Conditional Uses (Subject to approval by Board of Zoning Adjustments)

- A. Nursery schools and day nurseries
- B. Nursing Home, assisted living homes, convalescent homes and rest homes
- C. Cemeteries adjacent to or in extension of existing cemeteries
- D. Recreation facilities, private
- E. Libraries, museums, and historical monuments or structures
- F. Rooming, boarding or lodging houses
- G. Town houses
- H. Public uses
- I. Semi-public uses
- J. Mobile Home Parks (See Section 18.04 and Appendix A)

#### 3. Accessory Uses

- A. Residential garages
- B. Swimming pools, garden houses, tool houses; play houses
- C. Boarders and Roomers
- D. Home occupations (See Section 18.02)
- E. Living quarters for persons employed on the premises
- F. Accessory signs (See Title 17)
- G. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work. This shall include trailers used as offices.
- H. Other accessory uses as defined in Title 4.

**9.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited. Changes to the above use lists shall be made through proper amendment procedures.

**9.04 Area of Dimensional Standards.**

	Minimum Lot Size		Minimum Yard Dimensions			Maximum		Maximum Coverage Lot
	Area (Sq Ft)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Bldg. (Feet)	Hght. (Strs.)	(Percent)
Single Family Dwelling	10,000	75	25	10	10	30/50*	2	
Two Family Dwelling	14,000	100	25	10	10	30/50*	2	
Schools	5 acres	200	50	25	50	30	2½	10
Hospital	2 acres	200	50	25	50	30	2½	30
All Other Uses	Sufficient to Comply with Yard and Parking Requirements		35	20	40	30	2½	30
Portable Buildings				2	6			

\*The maximum height may be increased to fifty (50') feet provided that the side yard setback is increased by five (5') feet for every five (5') feet, or fraction thereof additional height over thirty (30') feet.

**9.05 Requirements for Accessory Structures.** An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed eighteen (18') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.
2. No accessory building in a rear yard shall be less than six (6') feet from a side lot line or a rear lot line.
3. Coverage of a rear yard by accessory buildings shall not exceed twenty-five (25%) percent.

4. No accessory building may be built or moved into City Limits that has galvanized metal siding. All new accessory buildings and those moved in with colored metal siding must be of new material and be uniform in color that conforms to the neighborhood. (2001ORD784)  
(2005ORD825)

## TITLE 10 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

**10.01 Statement of Purpose.** This district is intended to encourage a variety of single-family, two-family and multi-family dwellings. The principal uses of land range from residences to uses, which are functionally compatible with intensive residential uses. Recreational, religious, and educational facilities, and other related uses in keeping with the residential character of the District may be permitted on review by the Board of Zoning Adjustment.

### **10.02 Permitted Uses.**

#### 1. Principal Uses.

- A. Single-family dwellings
- B. Two-family dwellings
- C. Transportation and utility easements and rights-of-way.

#### 2. Conditional Uses. (Subjects to approval by Board of Zoning Adjustment)

- A. Nursery schools and day nurseries
- B. Nursing Home, assisted living homes, convalescent homes and rest homes
- C. Cemeteries adjacent to or in extension of existing cemeteries
- D. Recreation Facilities, Private
- E. Libraries, museums, and historical monuments or structures
- F. Rooming, boarding or lodging houses
- G. Multi-family dwellings
- H. Town Houses
- I. Public uses
- J. Semi-Public uses
- K. Mobile Homes
- L. Mobile Home Parks (See Section 18.04)

#### 3. Accessory Uses.

- A. Residential garages
- B. Swimming pools, garden houses, tool houses; play houses
- C. Boarders and Roomers
- D. Home occupations (See Section 18.02)
- E. Living quarters for persons employed on the premises
- F. Accessory signs (See Title 17)
- G. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work. This shall include trailers used as offices.
- H. Other accessory uses defined in Title 4.

**10.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited. Changes to the above use lists shall be made through proper amendment procedures.

**10.04 Area of Dimensional Standards.**

	Minimum Lot Size		Minimum Yard Dimensions			Maximum		Maximum Coverage Lot (Percent)
	Area (Sq Ft)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Bldg. (Feet)	Hght. (Strs.)	
Single Family Dwelling	7,000	50	25	6	6	30/50*	2	
Two Family Dwelling	10,000	75	25	6	6	30/50*	2	
Multi Family Dwelling	10,000 + 1,000 for each additional unit		25	10 <sup>2</sup>	6	40	3	
Schools	5 acres	200	50	25	50	30	2½	10
Hospital	2 acres	200	50	25	50	30	2½	20
All Other Uses	Sufficient to Comply with Yard and Parking Requirements		35	20	40	30	2½	30

\*The maximum height may be increased to fifty (50') feet provided that the side yard setback is increased by five (5') feet for every five (5') feet, or fraction thereof additional height over thirty (30') feet.

\* Minimum side yard shall be 1/5 of sum of height + length of building walls most nearly parallel.

**10.05 Requirements for Accessory Structures.** An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed eighteen (18') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.
2. The height of all-accessory fences, walls or hedges shall comply with the requirements of Section 18.01 for such fences.
3. No accessory building in a rear yard shall be less than six (6') feet from a side lot line or a rear lot line.
4. Coverage of a rear yard by accessory buildings shall not exceed fifty (50%) percent.
5. No accessory building may be built or moved into City Limits that has galvanized metal siding. All new accessory buildings and those moved in with colored metal siding must be of new material and be uniform in color that conforms to the neighborhood. (2001ORD784) (2005ORD827)

## TITLE 11 – MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME DISTRICT (R-3)

**11.01 Statement of Purpose.** This district is intended to encourage a variety of single-family, two-family, multi-family and mobile home dwellings. The principal uses of land range from residences to uses, which are functionally compatible with intensive residential uses. Recreational, religious, and educational facilities, and other related uses in keeping with the residential character of the District may be permitted on review by the Board of Zoning Adjustment.

### **11.02 Permitted Uses.**

#### 1. Principal Uses

A. Single-family dwellings

B. Two-family dwellings

C. Mobile Homes

D. Transportation and utility easements and rights-of-way.

#### 2. Conditional Uses. (Subject to approval by Board of Zoning Adjustments)

A. Nursery schools and day nurseries

B. Nursing Home, assisted living homes, convalescent homes and rest homes

C. Cemeteries adjacent to or in extension of existing cemeteries

D. Recreation Facilities, Private

E. Libraries, museums, and historical monuments or structures

F. Rooming, boarding or lodging houses

G. Multi-family dwellings

H. Town houses

I. Public uses

J. Semi-public uses

K. Mobile Home Parks (See Section 18.04 and Appendix A)

#### 3. Accessory Uses.

A. Residential garages

B. Swimming pools, garden houses, tool houses, playhouses

C. Boarders and Roomers

D. Home occupations (See Section 18.02)

E. Living quarters for persons employed on the premises

F. Accessory signs (See Title 17)

G. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work. This shall include trailers used as offices.

H. Other accessory uses as defined in Title 4.

**11.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited. Changes to the above use lists shall be made through proper amendment procedures.



**11.04 Area of Dimensional Standards.**

	Minimum Lot Size		Minimum Yard Dimensions			Maximum		Maximum Coverage Lot
	Area (Sq Ft)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Bldg. (Feet)	Hght. (Strs.)	(Percent)
Single Family Dwelling	7,000	50	25	6	25	30/50*	2	
Two Family Dwelling	10,000	75	25	6	25	30/50*	2	
Multi Family Dwelling	10,000 + 1,000 for each additional unit		25	10 <sup>2</sup>	25	40	3	
Schools	5 acres	200	50	25	50	30	2½	10
Hospital	2 acres	200	50	25	50	30	2½	20
All Other Uses	Sufficient to Comply with Yard and Parking Requirements		35	20	40	30	2½	30

\*The maximum height may be increased to fifty (50') feet provided that the side yard setback is increased by five (5') feet for every five (5') feet, or fraction thereof additional height over thirty (30') feet.

\* Minimum side yard shall be 1/5 of sum of height + length of building walls most nearly parallel.

**11.05 Requirements for Accessory Structures.** An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed eighteen (18') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.
2. The height of all-accessory fences, walls or hedges shall comply with the requirements of Section 18.01 for such fences.
3. No accessory building in a rear yard shall be less than six (6') feet from a side lot line or a rear lot line.
4. Coverage of a rear yard by accessory buildings shall not exceed fifty (50%) percent.
5. No accessory building may be built or moved into City Limits that has galvanized metal siding. All new accessory buildings and those moved in with colored metal siding must be of new material and be uniform in color that conforms to the neighborhood. (2005ORD825)  
(2001ORD784)

## TITLE 12 – GENERAL COMMERCIAL DISTRICT (GC)

**12.01** Statement of Purpose. The intent of the General Commercial District (GC) is to provide a commercial area for those establishments providing the general shopping needs of the trade area and in particular, those businesses normally oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of trade, service, governmental and cultural activities, and to provide neighborhood commercial convenience areas.

### **12.02** Permitted Uses.

#### 1. Principal Uses

A. Non-residential uses of the types permitted in the Residential District as follows:

Offices of civic, religious and charitable organizations

Private clubs, lodges, fraternity and sorority houses

B. Lodging, including hotels, motels and apartment hotels.

C. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for servicing or repair of goods sold on the premises.

D. Service establishments in which the retail sale of goods may or may not be involved, of the following types:

Barber and Beauty Shops

Photography studios

Watch, clock or jewelry repair

Catering services

Secretarial, stenographic and typing services

Physical culture establishments

Dry cleaning and laundry pick up services

Self-service laundry and dry cleaning

Household appliance repair

Funeral Home or Mortuary

E. Commercially operated vocational schools, not including the use of equipment or machinery first listed as permitted in the I-1 or I-2 Districts.

F. Restaurants, tea rooms, cafes and other establishments serving food, beverages or both, including drive-in facilities.

G. Radio and television studios, bowling alleys, roller rinks, ice-skating rinks, swimming pools, assembly halls, enclosed theaters, concert halls, dance halls, or similar places of assembly or entertainment.

H. Banks and other lending and financial establishments including drive-in facilities.

I. Workshop types of services, limited to the following:

Interior decorating

Re-upholstering and furniture refinishing

Laundry and dry cleaning

Medical and dental laboratories not connected with practice of medicine or dentistry

Electrical Repair, not including the repair of industrial or road building machines or similar large machines.

Duplicating, addressing, blue printing, photocopying, electrostatic reproduction, film processing, mailing, and mail listing services

Locksmith, gunsmith

Shoe shine and shoe repair shops, hat cleaning and blocking

Tailor or dressmaking shop

J. Drive-in establishments related to the sale of goods or services permitted in this District, including drive-in theaters.

K. Rental of autos, trucks, trailers, and home gardening and repair tools

L. Food locker plant, including the cutting and packaging of meat, fowl, fish or game, sale at retail, delivery of individual home orders, renting of individual lockers of home-customer storage thereof, but excluding the slaughtering or eviscerating thereof.

M. Repair services related to goods or merchandise permitted to be sold in this District.

N. Offices of professional, business or industrial firms, not including the manufacture or storage of goods on the premises.

O. Recreation facilities, general commercial

P. Gasoline service station.

Q. Off-street parking as a principal use.

R. Professional Services offices including but not limited to:

Medical and dental office and clinics

Legal, engineering, architectural, accounting and similar professional offices

Accounting, bookkeeping and auditing services

Real estate and insurance offices

S. Governmental Services

T. Bus passenger terminals and taxicab transportation services.

U. Parks

V. Public buildings and grounds

W. Self-Storage facility

X. Vehicle Repair Business

Y. Tow Business

## 2. Conditional Uses. (Subject to approval by Board of Zoning Adjustment)

A. Any other retail business or commercial or professional service establishment determined by the Board of Zoning Adjustment to be of the same general character as, and not producing more noise, dust, odor, vibration, blast or traffic than those enumerated in Section 12.02.1, but not including any uses listed as permitted in the Industrial Districts (I), Articles 14 & 15. Buildings containing both commercial and residential uses under the condition that the residential uses are not located on the ground floor.

B. Buildings containing both commercial and residential uses under the condition that the residential uses are not located on the ground floor.

### 3. Accessory Uses.

A. Signs, as regulated by Title 17

B. Off-street parking as required by Section 18.06

C. Any use customarily incidental to the principal permitted use.

**12.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited except in specific cases where the Board of Zoning Adjustment is authorized to rule on non-designated uses.

**12.04 Area and Dimensional Standards.** All structures shall comply with the dimensional requirements set forth hereunder.

1. **Minimum Front Yard Depth.** No front yard is required.

2. **Minimum Side and Rear Yard.** The schedule of side and rear, yard dimensions shall be as follows:

A. Yard adjoining a lot line in a Commercial or Industrial District: No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 18.06.

B. Yards adjoining a lot line of a Residential District shall be as follows:

Based on the dimension of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

Height of wall + length of wall = width or depth of yard 3

provided, however, that no side yard width shall be less than 25 feet and no rear yard depth shall be less than 25 feet.

3. **Maximum Height Limits.** The maximum height of structures shall be 75 feet or 6 stories.

## TITLE 13 – HIGHWAY COMMERCIAL DISTRICT (HC)

**13.01 Statement and Purpose.** Intended "to provide locations for types of businesses which are not compatible with the uses which are characteristic of the General Commercial District but, which are essential in serving the total needs of both urban and rural population. It is intended that such Districts be located at or near major thoroughfare intersections, with emphasis on highway services catering to motorists, farmers, and ranchers.

### **13.02 Permitted Uses.**

#### 1. Principal Uses

- A. Gasoline service stations and automobile repair garages.
- B. Truck stops
- C. Tire store sales and service including vulcanizing, involving no manufacturing on the premises.
- D. Milk distributing stations, but not involving bottling on the premises.
- E. Lodging, including hotels and motels.
- F. Recreation facilities, limited commercial
- G. Retail stores for the sale of automobile parts and accessories, souvenirs, curios, film, magazines and other products customarily sold to meet the needs of the motoring public
- H. Restaurants, tea rooms, cafes and other establishments serving food, beverages or both, including drive-in facilities.
- I. Retail sale of used merchandise and the retail sale of new and used automobiles, trucks, boats, mobile homes, motorcycles or agricultural implements, and garden supplies.
- J. Fruit and vegetable markets.
- K. Garden centers, greenhouses and nurseries
- L. Trucks and trailer for hauling, rental and sales (U-Haul type).
- M. Self-Storage facility
- N. Tow Business including Vehicle Storage Yard with ten (10) or fewer stored vehicles.
- O. Vehicle Repair Business.
- P. All Principal uses as set forth in General Commercial Zoned areas as defined in TITLE 12, 12.02 Permitted Uses, 1. Principal Uses.

#### 2. Conditional Uses (Subject to approval by Board of Zoning Adjustment)

A. Any other retail business or commercial services establishment to be of the same general character as, and not producing more noise, dust, odor, vibration, blast or traffic than those enumerated in Section 13.02.1, but not including any uses listed as permitted in the Industrial District (I), Articles 14 and 15.

B. All Conditional Uses as set forth in General Commercial Zoned areas as defined in TITLE 12, 12.02 Permitted Uses, 2. Conditional Uses.

### 3. Accessory Uses.

- A. Signs, as regulated by Title 17.
- B. Off-street parking as required by Section 18.06
- C. Any use customarily incidental to the principal permitted use.

**13.03 Prohibited Uses.** Only uses designated as permitted shall be allowed, and any use not so designated shall be prohibited except in specific cases where the Board of Zoning Adjustment is authorized to rule on non-designated uses.

**13.04 Area and Dimensional Standards.** All structures shall comply with the dimensional requirements set forth hereunder.

1. **Minimum Front Yard Depth.** Minimum front yard depth shall be the height of the building, but not less than thirty (30) feet.

2. **Minimum Side and Rear Yards.** The schedule of side and rear yard dimensions shall be as follows:

A. **Yard adjoining a lot line in a Commercial or Industrial District:** No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 18.06.

B. **Yards adjoining a lot line of a Residential or Agricultural District shall be as follows:** Based on the dimension of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

Height of wall + length of wall = width or depth of yard 3 provided, however, that no side yard width shall be less than 25 feet and no rear yard depth shall be less than 25 feet.

3. **Maximum Height Standards.** The maximum height of structures shall be 40 feet or 3 stories.

## TITLE 14 – LIGHT INDUSTRIAL DISTRICT (I-1)

**14.01 Statement of Purpose.** In furtherance of a general policy of fostering a diversity of urban activities and a stable tax base in the City, it is intended that provision be made for varied types of industrial uses at appropriate locations where they will be compatible with other uses in adjoining districts. It is intended further, that within this Industrial District, location requirements and development standards shall be such as to reduce to a practical minimum the objectionable effects which certain types of industry might have upon one another and upon other uses permitted in adjoining non-industrial districts.

### **14.02 Permitted Uses.**

#### 1. Principal Uses.

##### A. Agriculture

B. Commercial establishments associated with or intended to serve the industrial establishments or their employees as follows:

Restaurants

Offices and facilities relating to emergency medical, drug and health services and the practice of industrial medicine.

Gasoline service stations.

Engineering, architectural, accounting, legal and similar professional services.

Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services

Private employment agencies

Vocational and technical schools, public or private

C. Blending, packaging and storage of previously manufactured products, as follows: Chemical products, including household, cleaning and industrial compounds and insecticides.

Feed, grain, flour, sugar and other food products

Pharmaceutical preparations and drugs

D. The manufacture of finished products from previously prepared materials, such as:

Canvas Cloth Cork

Felt Fibers Fur

Glass Leather Paper

Precious or semi-precious metals or stone

Plastics Shell Textiles

Tobacco Wire

E. The manufacturing of the following finished products from previously prepared materials:

Cosmetics, toiletries and perfume.

Electric appliances, instruments, components and accessories

Household, personal or other small articles, such as jewelry, silverware, plastic ware, musical instruments and parts, toys, rubber stamps, sporting and athletic goods, pens, pencils and other office and artists' supplies, miscellaneous notions, signs and advertising displays

Office equipment and supplies and computing and accounting machines

Precision instruments, including professional scientific and regulating devices, photographic and optical goods

Wood products, including furniture, cabinet work and similar products



F. Non-manufacturing activities as follows: Operational equipment of public utilities and communication networks such as electrical receiving and transforming stations, radio, microwave or television transmission or receiving towers, and public utility substations  
Transportation terminals and equipment, such as railway freight houses, truck terminals and transit vehicle storage areas, maintenance and service facilities for the foregoing, but excluding railroad maintenance facilities and marshalling yards.

Warehousing, refrigerated and general storage. Building materials sales and storage, not including sawmills, planing mills, or the mixing of cement, bituminous or asphaltic concrete  
Building contractors equipment yards

Crematories

Research testing laboratories, not including the use of machines or equipment which are prohibited in this Industrial District

Laundries and dry cleaning establishments

Postal facilities, including the handling of large quantities of mail by rail or truck.

Hay, grain, feed and fertilizer, storage and sale

Fuel and ice dealers

Animal hospitals and fur animal farms

Off-street parking as a principal use

G. Vehicle Storage Yard with more than ten (10) stored vehicles in accordance with Appendix J.

H. Vehicle Repair Business.

I. Tow Business

J. Tow Business including Vehicle Storage Yard with more than ten (10) vehicles in accordance with Appendix J.

## 2. Conditional Uses (Subject to approval by Board of Zoning Adjustment)

A. Any other commercial or industrial use not listed but determined by the, Board of Zoning Adjustment to be of the same general character as those listed as principal uses in A through F herein before but not including any use which is prohibited or first listed in the Heavy Industrial District (I-2), Article 15.

## 3. Accessory Permitted Uses.

A. Signs, as regulated by Title 17.

B. Off-street parking and loading, as required by Section 18.06

C. Any use customarily incidental to the principal permitted use, including dwellings used as quarters of watchmen or caretakers.

14.03 Area of Dimensional Standards. All structures shall comply with the dimensional requirements set forth hereunder:

1. Minimum Front Yard Depth. Minimum front yard depth shall be the height of the building, but not less than thirty (30) feet.

2. Minimum Side and Rear Yards. The schedule of side rear yard dimensions shall be as follows:

A. Yard adjoining a lot line in a Commercial or Industrial District: No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 18.06.

B. Yards adjoining a lot line of a Residential District shall be not less than fifty (50) feet in depth.

3. Maximum Height Limit. The maximum height of structures shall be fifty (50) feet.

## TITLE 15 – HEAVY INDUSTRIAL DISTRICT (I-2)

**15.01** Statement of Purpose. In furtherance of a general policy of fostering a diversity of urban activities and a stable tax base in the City, it is intended that provision be made for varied types of industrial uses at appropriate locations where they will be compatible with other uses in adjoining districts. It is intended further, that within this Industrial District, location requirements and development standards shall be such as to reduce to a practical minimum the objectionable effects which certain types of industry might have upon one another and upon other uses permitted in adjoining non-industrial districts.

### **15.02** Permitted Uses.

#### 1. Principal Uses.

##### A. Agriculture

B. Commercial establishments associated with or intended to serve the industrial establishments or their employees as follows:

Restaurants

Offices and facilities relating to emergency medical, drug and health services and the practice of industrial medicine.

Gasoline service stations.

Engineering, architectural, accounting, legal and similar professional services.

Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services

Private employment agencies

Vocational and technical schools, public or private

C. The manufacture of metal products, using methods and materials as specified hereunder:

The fabrication of metal excluding the fabrication of structural steel, heavy machinery and transportation equipment.

The casting of light weight non-ferrous metals, welding, machining and other metal working process, but excluding punch presses having over twenty (20) tons rated capacity, drop hammers and other noise-producing machine operating tools.

The shaping of sheet metal in the manufacture of air conditioning refrigeration and heating equipment and office furniture, but excluding the stamping of automobile bodies and fenders and other units of similar size.

D. The processing or manufacture of food products, excluding pickles, sauerkraut, fish, flour, sugar, and vinegar.

E. Non-manufacturing activities as follows:

Bulk Storage of flammable liquids, not to exceed 25,000 gallons.

Workshops for the repair of industrial machines and equipment, the use of which is permitted in this District.

Advertising signs, as controlled by Title 17.

Off-street parking as a principal use.

F. Any other use, except the following:

1. Conditional Uses, as listed in this Article, which may be permitted only upon approval of the Board of Zoning Adjustment.

2. Principal or Conditional Uses in any Residential or Commercial District, which shall be prohibited. Uses specifically listed in part A through E above as permitted in the Industrial District shall be permitted even though listed in another District as well.

G. Vehicle Storage Yard with more than ten (10) stored vehicles in accordance with Appendix J.

H. Vehicle Repair Business.

I. Tow Business

J. Tow Business including Vehicle Storage Yard with more than ten (10) vehicles in accordance with Appendix J.

2. Conditional Uses. (Subject to approval by Board of Zoning Adjustment)

A. The following uses, with restrictions and requirements as indicated hereunder:

Junkyards, scrap and waste storage and wholesaling, provided that such uses shall not be permitted unless they are enclosed on all sides by an opaque wall or fences no less than ten (10') feet high; provided also that no stored scrap or waste material shall be visible from any street or road or from any Residential District.

Stone quarries and sand and gravel pits, subject to the provisions of Section 18.05.

B. The following uses which shall not be located within one thousand (1,000') feet of any Residential District: Slaughterhouses, stock yards, and livestock sales, Incineration, reduction or storage of garbage, offal or rancid fats, Manufacture of explosives, ammunition, fireworks, or matches.

C. Any other commercial or industrial use not listed but determined by the Board of Zoning Adjustment to be of the same general character as those listed as principal uses in A through E herein before but not including any use which is prohibited.

3. Accessory Permitted Uses.

A. Signs, as regulated by Title 17.

B. Off-street parking and loading, as required by Section 18.06

C. Any use customarily incidental to the principal permitted use, including dwellings used as quarters of watchmen or caretakers.

**15.03 Area and Dimensional Standards.** All structures shall comply with the dimensional requirements set fourth hereunder:

1. Minimum Front Yard Depth. Minimum front yard depth shall be the height of the building, but not less than thirty (30') feet.

2. Minimum Side and Rear Yards. The schedule of the side and rear yard dimensions shall be as follows:

A. Yard adjoining a lot line in a Commercial or Industrial District: No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 18.06.

B. Yards adjoining a lot line of a Residential District shall be not less than fifty (50') feet in depth.

3. Maximum Height Limits. The maximum height of structures shall be one hundred (100') feet.

## TITLE 16 – CONSERVATION DISTRICT (CN)

**16.01** Statement of Purpose. Areas possessing natural resources, the preservation and wise use of which take precedence over other urban uses, which might otherwise encroach or destroy such resources. The type of resource, which the land possesses will determine the uses which should be permitted on such land. In addition, this District is for the protection of drainage ways to permit the unimpeded flow of surface run-off without endangering life and health or causing property damage due to flooding, by controlling the nature and intensity of land uses and the location, elevation and quality of structures in the floodplain. It shall be the intent of the City Government to administer this Zoning Ordinance in such a manner as to encourage the development of resources in the Conservation District as follows:

Resource Best Use Future Zoning District

1. Woodland, streams and Public Recreation Continue in (CN) water bodies having scenic or other recreational value.
2. Sand, gravel, limestone, Controlled Extraction Continue in (CN) or change and other mineral to (I)deposits.
3. Flood Plain or areas Wildlife Management Continue in (CN) requiring special Recreation, Limited drainage treatment. agriculture

### **16.02** Permitted Uses.

#### 1. Principal Uses

A. Limited agricultural uses such as pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

B. Wildlife and Natural Preserves.

#### 2. Conditional Uses. (Subject to approval by Board of Zoning Adjustment)

A. Agriculture, general

B. Specialized animal raising and care

C. Recreation Facilities, Limited Commercial, and Private

D. Mineral extraction (See Section 18.05)

E. Seasonal Dwellings

F. Fish hatcheries

G. Shooting preserves

H. Single family dwellings (Not including mobile homes)

I. Public Uses.

#### 3. Accessory Uses and Structures.

A. Garden Houses and Tool Houses

B. Lawns, gardens, parking areas and play areas accessory to a residence

C. Required off-street parking space

D. Signs, accessory (See Title 17)

E. Stables (not part of a farm) – conditional

F. Temporary buildings

G. Other accessory uses as defined in Title 4

**16.03 Prohibited Uses.** The following uses shall be prohibited in all designated flood plain and floodway areas.

1. All uses or structures with a high flood damage potential or which adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
2. Storage of potentially hazardous materials which if subject to flooding may become buoyant, flammable, explosive or may be injurious to human, animal, or plant life.
3. Dwellings, schools, places of general assembly and institutions for human care.
4. Other uses that are likely to cause pollution of waters, as defined in South Dakota Law.

**16.04 Area and Dimensional Standards.** Area and dimensional requirements shall be as specified in the Conditional Use Permit. As a minimum all uses shall comply with the dimensional and area requirements as set forth in the following schedule:

Minimum Lot	Minimum Yard	Maximum				
Size	Dimensions	Building Height				
Area	Frontage	Front	Side	Rear		
(Acres)	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)	
All Uses	5	300	100	25	50	35

**16.05 Development Standards in Designated Flood Plain Areas.** All structures within the flood plain area shall conform to the following standards:

1. Any residence shall be constructed on fill so that the first floor or the basement floor are above the regulatory flood-protection elevations. The fill, which shall include the access to the structure from a public street shall have an elevation no less than one foot above the regulatory flood protection elevation for the particular area, and the fill shall extend no less than fifteen feet beyond the limits of any structure or building erected thereon.
2. Where existing streets or utilities are at elevations which make strict compliance with the above provisions impractical, flood proofing or other measures to provide protection to the flood protection elevation standards may be authorized only by special permit.
3. Any structure, other than a residence, shall ordinarily be elevated on fill as provided in paragraph 1 above, but may in special circumstances be protected by other flood-proofing measures to a point at or above the regulatory flood protection elevation.
4. Where in the opinion of the Board, topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the Board may require the applicant to submit such data or other studies prepared by competent engineers and other technical people.
5. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.

**16.06 Establishment of Boundaries in Flood Plain Areas.**

1. The boundaries of the Flood Plain and Floodway areas shall be based on data provided by reports and records of the U.S Army Corps of Engineers, the U.S. Geological survey, the Federal Flood Insurance Administration, or other official agency.

2. For areas subject to flooding but for which there is no other applicable data, the Fifth District Planning and Development Commission may be asked to supply such data, together with appropriate recommendations for the guidance of the Planning and Zoning Commission.

3. In the absence of a Flood Plain Boundary as set forth herein before as such boundary may apply to any parcel of land for which a zoning application has been made, it shall be the duty of the Zoning Enforcement officer to refer such application to the Planning and Zoning Commission for decision. It shall be the duty of said Commission to establish said boundary as it applies to such parcel of land, and render a decision as to the compliance or non-compliance of the proposed use with the regulations set forth herein before.

**16.07** Warning and Disclaimer of Responsibility. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes. Larger floods may occur flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood Plain area boundaries or land uses permitted within such area will be free from flooding or flood-damages. This Ordinance shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

## TITLE 17 – SIGNS AND BILLBOARDS

**17.01 General Provisions.** Signs of all types as defined in Title 4 shall comply with the regulations set forth in this Section. In addition to the standards and requirements set forth in succeeding sub-sections, the following provisions shall apply to signs of all types.

1. For definitions, see City of Mobridge Zoning Ordinance # 784 Title 4.
2. This title shall not apply to any display of directional signs, street name signs, or other signs which have been authorized and erected by a governmental body.
3. A sign is a structure or a part of a structure for the purpose of applying yard and height regulations.
4. Signs are prohibited within the public right-of-way except that the council may grant a special permit for temporary signs and decoration to be placed on a right-of-way for a period of time not to exceed ninety (90) days, subject to the laws of South Dakota and all titles listed in the City of Mobridge Zoning Ordinance # 784. Also, no signs shall be attached or otherwise applied to trees, bus shelters, utility poles, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure not otherwise placed in the public right-of-way except as specifically permitted by this Section, provided that a bus shelter, trash receptacle or newspaper vending machine may have an identification sign. No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words “stop”, “look”, “danger”, or other word(s) phrase(s), or symbol(s) in such a manner as to interfere with or mislead or confuse motorists or pedestrians. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic. Signs are also prohibited when the sign projects beyond the property or street right-of-way line.
5. Signs and their superstructures within the Highway Commercial (HC) District may exceed into the public right-of-way a distance not to exceed fifteen (15”) inches when flat against the building.
6. Illuminated flashing signs shall not be permitted within the “AG”, “R-1”, “R-2”, “R-3”, and “CN” districts.
7. Illuminated signs or devices giving off an intermittent, steady, or rotating beam, consisting of a collection or concentration of rays of light shall be permitted except carbon, arc lights which may be located and used on private property in the “GC”, “HC”, “I-1”, and “I-2” districts for a period not to exceed three (3) days.
8. Illuminated signs shall be permitted when such signs are accessory to permitted nonresidential uses.
9. One name plate sign per lot in the “GC”, “HC”, “I-1”, and “I-2” district pertaining to a permitted use may be erected not to exceed fifty (50%) percent of the authorized aggregate footage of advertising sign space for such lot.
10. For the purpose of selling or leasing property, a sign or signs not in excess of eight (8) square feet of sign may be placed within the front yard of such property to be sold or leased. Such sign or signs shall not be less than ten (10’) feet from the front lot line unless flat against the structure.
11. For the purpose of selling or promoting a residential project of six (6’) or more dwelling units, a sign not to exceed one hundred (100) square feet may be erected upon the project site and maintained until each of the units has been rented or leased. At such time the sign shall be



removed and future signs will be subject to Title 17. They shall also be no less than six (6') feet from the street right-of-way line.

12. The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12") inches shall constitute advertising space, or should such letter or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame the dimensions for calculating the square footage shall be the area extending six (6") inches beyond the periphery area formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign, and symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls awnings, free standing structures, suspended by balloons or kites or on persons, animals, or vehicles shall be considered as a sign to be included in calculating the overall square footage.

13. Signs existing after the effective date of the ordinance codified in this title which do not conform to the regulations set forth in this title are a nonconforming use or structure and as such shall be under the regulations set forth in the City of Mobridge Zoning Ordinance Title 7. All signs prior to the City of Mobridge Zoning Ordinance # 784 will be "grandfathered" in. The superstructure for mounting of signs and such signs shall not be attached to a roof or project above the roof of a building not more than six (6') feet.

14. Temporary Signs or banners when authorized by the City Planning Commission.

**17.02** Signs in the "R-1", "R-2", "R-3", and "CN" Districts. Within these districts the following signs are permitted:

1. One double surfaced name plate sign for each dwelling which shall not exceed one (1) square foot in area per surface. Such sign may indicate the name of the occupation, if such exists. Yard lights and name plate signs in R-1, R-2, R-3, CN districts provide such lights are three (3') feet or more from all lot lines and subject to Title(s) 9, 10, 11, and 16 in the City of Mobridge Zoning Ordinances # 784. Lights for illuminating parking; provide where necessary provided that glare is not visible areas or yards for safety and security purposes may be provided where necessary provided that glare not visible from the public right-of-way or adjacent residential property and not more than three (3') foot candles of light intensity are present at the residential property line.
2. One double surfaced name plate sign for each dwelling group of six or more units, which shall not exceed six (6) square feet in area per surface. Such sign may indicate the names and addresses of the buildings or project, or may be a directory for occupants or state any combination of the above information.
3. One double surfaced name plate sign for each permitted use other than residential which shall not exceed six (6) square feet in area per surface plus one-half (1/2) square foot per surface for each one (1') foot of setback greater than twenty (20') feet.
4. Symbols, statues, sculptures, and integrated architectural features on non residential building may be illuminated by floodlights, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
5. Signs Over Show Windows or Doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2') feet in height and ten (10') feet in length.
6. Name, Occupation, and Warning Signs not to exceed two (2) square feet located on the premises of a business.

7. One (1) billboard/bulletin board for each frontage on a public street shall be permitted, which shall not exceed sixteen (16) square feet in area on one (1) face. Such board may be on the wall, projecting, or free-standing.
8. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal affixed flat against a structure.
9. One (1) unlighted construction sign of any structural type, may be located on a construction site of exceeding a total of thirty-two (32) square feet in area per face.

**17.03** Signs in the “GC” District. Within the “GC” district, name plate signs, business signs, and advertising signs are permitted subject to the following regulations:

1. Within the General Commercial district, the aggregate square footage of square feet for each front foot of building abutting on sign space per lot shall not exceed the sum of two (2) public right-of-ways fifty (50’) feet or more in width with the least width of a corner lot fronting on a public right-of-way being the front for purposed of this title plus one (1) square foot for each front foot of side yard abutting on a public right-of-way fifty (50’) feet or more in width. No individual sign surface shall exceed sixty (60) square feet in area, nor shall two or more smaller signs be so arranged and integrated as to cause a sign surface greater than sixty (60) square feet.

**17.04** Signs in the “HC”, “I-1”, “I-2”, and “AG” Districts. Within the “HC”, “I-1”, “I2”, and “AG” districts name plate signs, business signs, and advertising signs are permitted subject to the following regulations:

1. The aggregate square footage of sign space per lot shall not exceed the sum of six (6) square feet per front foot of building, plus three (3) square feet per front foot of property not occupied by a building, plus one (1) square foot for each foot of public right-of-way fifty (50’) feet or more in width abutting the side of the structure plus a ten (10%) percent increase.
2. The least width of such corner lot shall be the front for purposes of this title, individual sign surface shall exceed two hundred fifty (250) square feet.
3. Wall Signs placed against the exterior walls of buildings shall not extend more than six (6”) inches outside of a building's wall surface; shall not exceed five hundred (500) square feet in area for anyone premise, and shall not exceed twenty (20’) feet in height above the mean centerline street grade.
4. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for anyone premise; shall not extend more than six (6’) feet into any required yard; shall not extend more than six (6’) feet into any public right-of-way; shall not be less than ten (10’) feet from all side lot lines; shall not exceed a height of thirty (30’) feet above the mean centerline street grade, and fifteen (15’) feet above the driveway or an alley. (2006ORD840) (2001ORD784)
5. Ground Signs shall not exceed thirty (30’) feet in height above the mean centerline street or grade; shall meet a minimum of one- half (1/2) of the yard requirements for the district in which it is located; shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides of anyone premise. (2006ORD840) (2001ORD784)
6. Roof Signs shall not exceed ten (10’) feet in height above the roof; shall meet all the yard and height requirements for the district in which it is located; and shall not exceed three hundred (300) square feet on all sides for anyone premise.
7. Combinations of any of the above signs shall meet all the requirements for the individual sign.

**17.05 Billboard Signs.** Billboard signs shall be permitted in accordance with regulations outlined only in areas specified in the following sections:

1. Within HC, I-1 and I-2 use district; for a lot upon which a principal use other than billboards exist, any portion of the aggregate square footage of sign space for such lot may be allocated to billboard use at the rate of four (4) square feet of billboard surface to one (1) square foot of aggregate square footage of sign space to permit billboards, but no single billboard shall exceed two hundred fifty (250) square feet in area and no billboard shall be less than twenty (20') feet from the front lot line.
2. Also within the GC, HC, I-1, and I-2 district, the aggregate square footage of advertising space per lot when a billboard is the principal use shall not exceed ten (10) square feet per front foot of lot on a public right-of-way which is fifty (50') feet or more in width.
3. Billboards shall be subject to all yard requirements within the R-1, R-2, R3, CN, and AG districts. Billboards shall not be less than ten (10') feet from the front lot line.

**17.06 Sign as Obstruction/Deception.** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

**17.07 Sign Responsibility, Maintenance, and Removal.**

1. Owner's Responsibility.
  - a. The owner of any sign and the owner of the premises on which it is located shall be responsible for keeping it in repair and in proper state of preservation.
  - b. The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when it is abandoned or becomes no longer functional.

2. Enforcement.

- a. In the case of non-compliance with the provisions of 18.07 (1)(a) and (1)(b) above, the zoning Administrator shall notify, in writing, the owner of the abandoned or nonfunctional sign in question or the owner of the premises on which such sign is located. If such order is not complied within thirty (30) days after the date of such order, the Zoning Administrator shall remove such sign at the expense of the owner of the real estate.

**17.08 Nonconforming Signs.** Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.

## TITLE 18 – SPECIAL USE REGULATIONS

### **18.01** Exceptions to Application of Area and Dimensional Standards.

1. Exceptions to Lot Width and Area Requirements. In a District where it is permitted, a single family dwelling may be erected on a lot which is nonconforming as to lot area or width, provided however, that, where two or more abutting lots of record were held in one ownership at the effective date of this Ordinance, and where one or more of such lots are non-conforming, the exception in this paragraph shall not apply. Further that no dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40') feet.

#### 2. Front Yard Exceptions and Modifications.

A. Exceptions for Existing Alignment. In a Residential District, where the average of existing front yard depths for lots located on the same side of the street within one hundred (100') feet of both sides of a lot in question is less than the required front yard specified in this article, such average of depths shall be the required depth for such lot, provided that no front yard depth shall be less than fifteen (15') feet.

B. Front Yards Required in Non-residential Districts along Residential District Boundary Lines. In any block which includes both residential and Non-residential Districts along the same side of the street, the front yard requirements of the Non-residential District shall be either the requirements set forth for such district or the requirements set forth for the Residential District in such block, whichever is greater.

3. Side Yard Exceptions for Narrow Lots. In case of a lot which is existing and of record at the time of the effective date of this Ordinance in any Residential District, if the owner of record does not own any adjacent property, one and one-half (1 ½") inches may be deducted from the required width of the side yard for each foot by which the lot is narrower than the required width. Such deductions shall not apply to buildings higher than two (2) stories. In no case shall any side yard be narrower than five (5') feet.

4. Rear Yard Exceptions of Shallow Lots. For a lot which was of record at the time this Ordinance became effective, which lot is in a Residential District and has a depth of less than one hundred ten (110') feet, the depth of the rear yard need not exceed twenty-five (25') percent of the depth of the lot, but shall not be less than fifteen (15') feet in any case.

5. Uses and Projections Permitted in Yards. The following accessory uses and structural projections shall be permitted within any required yard, with limitations as specified:

Required or permitted fences, walls, and landscaping shall conform to the following location and maximum height limitations except as otherwise specified elsewhere in this Ordinance:

Yard Location and Maximum Fence Height in Feet :

- a. Rear Yard: If within ten (10) feet of side or rear lot lines 6 feet in height. If ten (10) feet or more from side or rear lot line 10 feet in height.
- b. Side Yard: At any location 6 feet in height.

c. Front Yard: Subject to the restrictions of section 6.04, any fence may be up to 42 inches in height provided however a fence may be constructed up to 4 feet in height if the fence is a non-view obscuring fence which shall not obstruct vision to an extent greater than fifty percent (50%) of its total area.

## 6. Height Limit Exceptions

A. The height limits of this Ordinance shall not apply to churches, schools, hospitals and such public buildings of a cultural, recreational or administrative nature; provided that the yard requirements set forth in the district in which it is located for non-dwelling structures in Residential Districts shall be complied with.

B. Church, spires, belfries, cupolas, domes, monuments, fire and hose towers, chimneys, smokestacks and flag-poles may exceed the height limits. C. Water tanks, bulkhead, grain elevators, gas holders, radio and television transmission and receiving towers and similar structures auxiliary to permitted principal uses in a district may exceed the height limits.

**18.02 Home Occupations.** In order to be permitted as an accessory use, a home occupation shall comply with the definition given in Title 4. In addition, it shall comply with the following requirements:

1. There shall be no non-resident employees engaged in the home occupation.
2. No articles produced off the premises may be stored outside.
  1. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception, or will be a public nuisance.
  2. The space devoted to such home occupation may not exceed twenty-five (25%) percent of the gross floor area of the principal building.
  3. No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except one identification sign as provided for in Title 17.
  4. All other applicable sections of this Ordinance shall apply including Section 18.06, Off-street Parking and Loading Requirements, for the specific Home Occupation involved.

**18.03 Group Housing Planned Unit Development.** In the case of the group housing of two (2) or more buildings to be constructed on a plot of ground, not subdivided into the customary street and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such group housing, the application of the term of this Ordinance may be varied by the Board of Zoning Adjustment in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the Board of Zoning Adjustment authorize a use prohibited in the district in which the housing is to be located or a smaller lot area per family than the minimum required in such district, or a greater height, or a smaller yard area than the requirements of this Ordinance permit in such a district.

**18.04 Mobile Home Parks.** The purpose of this Section is to recognize the increasing demand for the mobile park type of residential development and to provide for the appropriate development of such parks. It is intended to provide location requirements and development standards, which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

1. Mobile home parks shall be a minimum of two acres

2. They shall be a maximum density of six (6) units per gross acre.
3. A minimum of ten (10%) percent of the gross site area shall be devoted to open space and recreational facilities
4. Underground utility hookups shall be provided for each lot. These utilities shall include water, sewer, electricity, and telephone.
5. Where the individual mobile home units in a mobile home park are served by dedicated public streets, those public streets shall be platted and constructed according to the applicable street standards.
6. Where individual mobile home units are served by private street systems, those streets shall:
  - A. Where parking is to be allowed on both sides of the street, provide a driving surface of thirty-six (36') feet.
  - B. Where parking is to be prohibited on both sides of the street, provide a driving surface of twenty-four (24') feet.
  - C. Provide a four (4') foot wide pedestrian walkway on both sides of the road.
  - D. All roadways and walkways in mobile home parks shall be hard-surfaced within five (5) years of the date of permit.
  - E. Be accessible at all times to emergency vehicles.
  - F. All entrances, exits, and streets shall be lighted.
7. Each mobile home shall be placed within a lot, which is a minimum of five thousand (5,000 sq') square feet and has a minimum width of fifty (50') feet.
8. Each mobile home shall have a minimum setback of ten (10') feet. A distance of twenty (20') feet must be maintained between all structures.

#### **18.05 Mineral Exploration, Extraction, Storage and Processing.**

1. Purpose. To provide for mineral exploration, extraction, storage, or processing operations compatible with adjacent land uses, and to protect the City, cities, and individual citizens from objectionable noise, dust, traffic, visual eyesores, and other nuisances.
2. Establishment of Boundaries or Limits.
  - A. Within any zoning district where any type of mineral exploration, extraction, processing or storage, is permitted as a conditional use, the physical limits of the site shall be established by the Board of Zoning Adjustment, taking into account the existing or potential uses of the adjoining property and the applicable development standards for the site as set forth hereunder. The boundaries shall be established initially upon application for permit, and thereafter, should the operator desire to expand such boundaries, each enlargement shall be subject to approval by the Board of Zoning Adjustment.
  - B. Mineral exploration or extraction operations involving petroleum drilling, excavation of the earth by means of heavy or mechanized earth moving equipment, mineral processing operations, or mineral storage, shall not be conducted closer than five hundred (500') feet from any existing residence, place of business, public or semi-public use, or recreation area unless the operator presents a release signed by the affected parties, to the Board of Zoning Adjustment.
  - C. Said operations shall not be conducted closer than five hundred (500') feet from any residential or commercial district.
  - D. Temporary operational roads or permanent roads shall not be closer than five hundred (500') feet to any residential district.
  - E. No exploration or extraction of minerals involving excavation of the earth by means of heavy or mechanized earth-moving equipment shall take place within thirty (30') feet of an adjacent

property line plus one (1') foot horizontal for each foot of vertical excavation, unless a written agreement is made with the owner of said property. Written evidence of said agreement shall be submitted to the Board of Zoning Adjustment.

3. Standards. The city standards shall be the same as those required by SDCL Title 45 as well as any additional requirements that the Board of Zoning Adjustment may require to promote the public health, safety and general welfare.

4. Requirements for Conditional Use Permit.

A. Any operator intending to explore for, or to extract or process, for commercial gain, any substance or minerals, which activity involves the penetration of the land surface by digging, drilling, excavating on private land not owned by the operator, or a public land, shall submit to the Board of Zoning Adjustment, written evidence of approval of the landowner(s). Government agencies must obtain permission in the same fashion as stated above.

B. Any operator intending to explore for, or to extract or process, for commercial gain, any substance or mineral involving the penetration of the land surface by digging, drilling, or excavating shall show evidence that he/she has complied with State regulations by submitting to the Board when he applies for a conditional use permit, copies of all documents supplied to the State. All data and records submitted to the State during the course of mineral exploration, extraction or processing operations, or after completion of these operations, including reclamation plans, shall also be submitted to the Board within 15 days of their submission to the State.

C. When public hearings as required by Title 21 of this Ordinance are held, potential needs for employee housing, and municipal facilities and services shall be considered.

D. The operator shall provide any reasonable information the Board of Zoning Adjustment deems necessary.

5. Construction of Buildings and Structures, and Requirements for Services.

A. Any facilities, utilities, and services required shall be provided by the operator, unless agreement is reached with local units of government for provision of these facilities, utilities and services. Written evidence of such agreement must be provided to the Board of Zoning Adjustment.

B. Any construction of buildings or structures in conjunction with mineral exploration, extraction, processing or storage shall be subject to the approval of the Board of Zoning Adjustment and appropriate application made for a conditional use permit.

C. Upon completion of a mineral exploration, extraction or processing project, buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be dismantled or demolished, and removed in their entirety.

D. The removal of accessory buildings, foundations, and structures, and all mobile homes, shall be the responsibility of the operator.

E. The schedule for dismantling or demolition shall be submitted to the Board of Zoning Adjustment prior to the commencement of said activity.

6. Development of Employee Housing or Related Facilities in Conjunction with Mineral Extraction and Processing.

A. Any proposed development of employee housing or related facilities which does not comply with the regulations for the zoning district in which it will be located, will require a redesignation to the appropriate zoning district through the amendment procedure as provided for in Title 24 of this Ordinance.

B. Parts A, C, D, and E of Section, 18.05.5 of this Article shall apply.

**18.06 Off-street Parking and Loading Standards.**

1. Purpose. The purpose of this Section is to provide, through special regulations for adequate off-street parking and loading facilities, as necessary for efficient and convenient community activity and for the prevention of traffic congestion.

2. Off-Street Parking Spaces Required.

A. In all districts, in connection with any use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in Section 18.06.2.B. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required and at no time will existing provided parking spaces be reduced in number.

B. Schedule of Parking Spaces Required.

TYPE OF USE	NUMBER OF PARKING SPACES
(1) Uses not Listed	Requirements for most nearly similar use specifically listed, as determined by the Board of Zoning Adjustment.
(2) RESIDENTIAL Dwelling, all types	2 spaces for each dwelling unit
Rooming Houses	1 for every 2 sleeping rooms or 1 for every 2 paying and Elderly Housing occupants, whichever is greater.
(3) PUBLIC INSTITUTION – ALL AMUSEMENT AND ASSEMBLY Administrative Offices of Government, Dance Halls, Lodge Halls, Exhibition Halls, Skating Rinks, Swimming Pools and Places of Assembly without Fixed Seats	1 for each 200 sq. ft. of floor area
(4) SERVICES Dental Offices and Clinics, Laundry and Dry Cleaning Pick-up, Bars, Taverns, and Night Clubs	1 for each 100 sq. ft. of floor area



Hospitals and Medical Clinics	1 for each on-duty employee at facility plus 1 for each licensed bed. These spaces may be contiguous to or within one block of the facility.
Barber Shops and Beauty Parlors	2 per operator
Hotels, Motels and Tourist Homes	1 for each living or sleeping unit
Business and Professional Offices	1 for each 200 sq. ft. of floor area
Restaurants, of the following Types:	
Indoor Service Only	1 for each 100 sq. ft. of floor area
Including Curb Service	1 for each 100 sq. ft. of floor area in addition to curb service stalls provided
Providing Primarily Carryout Service	1 for each 30 sq. ft. of floor area
<b>5. RETAIL SALES</b>	
Retail Stores and Shops	1 space for each 600 sq. ft. of floor area
<b>6. GENERAL COMMERCIAL AND INDUSTRIAL</b>	
Commercial Service	1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater
Manufacturing Plants	1 for each 1200 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater
Wholesale Establishments and Warehouses	1 for each 300 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater

C. Application of Schedule.

(1) Floor Area Defined. For purpose of applying the requirements of divisions (3) through (6) of Section **18.06.2.B**, “Floor Area” shall mean the gross floor area used or intended to be used by tenants, or for services to the public or customers, patrons, clients or patients, including areas occupied by fixtures an equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or

packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms and hallways.

(2) Unless otherwise specified, the required off-street parking facilities shall be located on the same lot as the structure or served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous to and in common with the several structures and uses served.

3. Off-street Loading Space Required

A. Requirements. In any district there shall be provided and maintained off-street loading space in connection with every building or part thereof hereafter erected which is to be occupied by any commercial or industrial use. For any such use off-street loading space shall be provided as specified in Section 18.06.3.3.

B. Schedule of Loading Spaces Required.

Size of Building in Gross Square Feet	Number of Loading Spaces
Less than 5,000	None
5,000 to 19,999	One
20,000 to 39,999	Two
40,000 to 64,999	Three
65,000 to 100,000	Four
Each additional 100,000 square feet or	One Additional or fraction thereof

C. Application of Schedule.

Joint Loading Space. Owners or occupants of several establishments of buildings not separated by a street may jointly provide the required off street loading space, provided (1) that no loading dock shall be more than two hundred (200') feet distance from the service door of the building it is intended to serve and (2) that the gross area of all the establishments or buildings to be served by such joint loading facility shall be used to determine the required number of loading spaces.

D. Development Standards for Off-Street Loading Space.

(1) Each loading space shall not be less than (10') feet in width, fifty (50') feet in length and fourteen (14') feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more than thirty-five (35') feet in length, the Board of Zoning Adjustment may grant an exception reducing the required length of loading space to a length no less than the maximum length of such servicing vehicles but in no case to be less than twenty-five (25') feet.

(2) No loading space shall be located closer than twenty-five (25') feet to any lot in any Residential District unless wholly within a completely enclosed building or unless separated from such Residential District lot by a wall, solid fence or hedge not less than six (6') feet in height.

(3) Access to Loading Areas. Every loading area shall have vehicular access to and from a public street or alley.

### **18.07 Airport Standards.**

1. Purpose. The purpose of this Section is to reduce through special regulations, airport hazards. As airport hazards endangers the lives and property of users of the Mobridge Airport and property or occupants of land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

2. Definition. The following definitions as they relate to this section, unless the content otherwise requires, are included here.

A. Airport means the Mobridge Airport located one mile east of the City of Mobridge.

B. Airport Elevation means the established elevation of the highest point on the usable landing area which elevation is established to be 1730 feet above mean sea level.

C. Airport Hazard means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

D. Height. For the purpose of determining the height limits in all airport zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

E. Landing area means the area of the airport used for landing, taking off or taxing of aircraft.

F. Landing Strip means any grass or turf covered area of the airport specifically designated and used for the landing and/or take-off of aircraft. This term shall have the same meaning throughout this Section as does the term "runway."

G. Runway means any paved surface of the airport which is specifically designated and used for the landing and for take-off of aircraft.

H. Slope means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

3. Airspace Obstruction Zoning.

A. Airspace Zones. In order to carry out the purposes of this Ordinance, the airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Non-Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. Primary Zone. All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet.

2. Horizontal Zone. All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,880 feet above mean sea level, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each

end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

3. Conical Zone. All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

4. Non-Instrument Approach Zone. All that land which lies directly under an imaginary non-instrument visual approach surface longitudinally centered on the extended centerline at the end of each landing strip. The inner edge of the non-instrument approach surface is at the width and elevation as, and coincides with the primary surface. The non-instrument approach surface inclines upward and outward at a slope of 20:1, expanding uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.

5. Transitional Zone. All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.

B. Height Restrictions. Except as otherwise provided in this Ordinance and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 18.07.03.A so as to project above any of the imaginary airspace surfaces described in said Section

**18.07.03.A.** Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

4. Land Uses Safety Zoning.

A. Safety Zone Boundaries. In order to carry out the purpose of this Section there are hereby created and established the following safety zone boundaries:

1. Safety Zone A: All that land in the approach zones of a runway which is located within a horizontal distance of 1,000 feet from each end of the primary zone and in the, 7:1 transitional zones to the 50 foot contour.

2. Safety Zone B: All that land in the approach zones of a runway which is located within a horizontal distance of 3,000 feet from each end of the primary zone and is not included in Zone A.

B. Use Restrictions

1. General. Subject at all times to the height restrictions set forth in Section 18.07.03.B, no use shall be made of any land in any of the safety zones defined in Section

**18.07.04** which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A: Subject at all times to the height restrictions set forth in Section 18.07.03.B and to the general restrictions contained in Section 18.07.04.B.1 areas designated as Zone A shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, cemeteries and auto parking.

3. Zone B: Subject at all times to the height restrictions set forth in Section 18.07.03.B and to the general restrictions contained in Section 18.07.04.B, areas designated as Zone B shall only be used for agriculture and residential purpose, provided that the residential densities do not exceed those required in the Agricultural District.

#### 5. Hazard Marking and Lighting

A. Non-conforming Uses. The owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Mobridge.

B. Permits and Variances. Any permit or variance granted by the Zoning Enforcement Officer or Board of Zoning Adjustment as the case may be, may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his/her own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

## TITLE 19 - ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

**19.01 Zoning Administrator.** An administrative official who shall be known as the Zoning Administrator and who shall be designated by the City Board of Commissioners shall administer and enforce this Ordinance. This person may be provided with the assistance of such other persons as the City Council may direct. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, building, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being performed; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

**19.02 Building, Temporary Building, Demolition, or Temporary Demolition Permits** Required. No building, sprinkler system, fence, structure, or concrete improvement (including, but not limited to sidewalks, curb, gutter, steps, patios, pads, driveways, footings and slabs) shall be demolished, constructed, replaced, erected, partially erected, moved, added to, or structurally altered without a permit therefore issued by the Zoning Administrator. No building, **temporary building, demolition, or temporary demolition** permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he/she received a written order from the City Planning Commission in the form of an administrative review, conditional use, or variance as provided by this Ordinance. NO building permit shall be required to repair or replace roofing, siding, windows and flooring in buildings which do not structurally alter the building.

**19.03 Application for Building, Temporary Building, Demolition, or Temporary Demolition Permits.** All applications for building, **temporary building, demolition, or temporary demolition** permits shall describe the exact nature of the work to be completed; show the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of buildings already existing, if any; and the location and dimensions of the work to be completed. Building, **temporary building, demolition, or temporary demolition** permit applications may be obtained from the Zoning Administrator. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building, alteration or demolition; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. All building, **temporary building, demolition, or temporary demolition** permit applications approved or disapproved shall be kept on file by the Zoning Administrator. The approved building, **temporary building, demolition, or temporary demolition** permit applications shall have a letter attached showing the date of the letter, date of application, address of work, and expiration date of building, **temporary building, demolition, or temporary demolition** permit. If a building, **temporary building, demolition, or temporary demolition** permit application is disapproved, the Zoning Administrator shall state the reasons for such refusal in writing to the applicant on the building,

**temporary building, demolition, or temporary demolition** permit.

The issuance of a building, **temporary building, demolition, or temporary demolition** permit shall, in no case, be construed as waiving any provisions of this Ordinance or any other Ordinance of the City of Mobridge. The applicant and Owner of the property shall remain responsible for complying with all other Mobridge Municipal Ordinances, notwithstanding the issuance of the requested building, **temporary building, demolition, or temporary demolition** permit.

If the work described in any **building permit** for new construction has not been completed within one (1) year of the date of issuance thereof or any building permit for remodeling construction has not been completed within six (6) months of the date of issuance thereof or any building permit for demolition has not been completed and reclaimed within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building, **temporary building, demolition, or temporary demolition** permit or an extension of the existing building or demolition permit had been obtained. A building permit may also be cancelled if the work described on the building or demolition permit has not been started within 90 days after the date of issuance. Unless an extension of the building or demolition permit is issued, after the work described therein has commenced, the failure to complete the work described in the building or demolition permit shall be deemed a nuisance and in addition to all other penalties described in this CODE, the city is authorized to abate the nuisance in any manner authorized by law and the owner shall be liable to the city for all costs of abatement, including attorney fees.

If the work described in any **temporary building permit** for new construction has not been completed within thirty (30) days of the date of issuance thereof or any temporary building permit for remodeling construction has not been completed within thirty (30) days of the date of issuance thereof or any demolition in association with a temporary demolition permit has not been completed and reclaimed within thirty (30) days of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building, temporary building, demolition, or temporary demolition permit has been obtained. A temporary building permit or temporary demolition permit may also be cancelled if the work described on the temporary building permit or temporary demolition permit has not been started within fourteen (14) days after the date of issuance. The failure to complete the work described in the temporary building or temporary demolition permit shall be deemed a nuisance and in addition to all other penalties described in this CODE, the city is authorized to abate the nuisance in any manner authorized by law and the owner shall be liable to the city for all costs of abatement, including attorney fees. The fee for a temporary building and temporary demolition permit shall be \$20.00.

It shall be unlawful to place or keep *temporary buildings* on all zoned property without first obtaining a temporary building **placement** permit from the Zoning Administrator. The cost of obtaining a temporary building **placement** permit shall be the sum of \$20.00. No

temporary building **placement** permit shall be issued for a term longer than one (1) year. At the expiration of the term of the temporary building **placement** permit, the temporary building shall be removed. The Zoning Administrator shall have discretion in issuing or refusing to issue the temporary building **placement** permit and the term of the permit by taking into consideration the condition, type and nature of the temporary building to be placed and the location and purpose of the temporary building so that the temporary building does not interfere with or detract from the use and attraction of the neighboring properties. Temporary greenhouses used by commercial establishments to store and sell plants and trees which will be erected and dismantled within 6 months are exempted from the cost and requirement of obtaining a temporary building **placement** permit. Upon application, the City Council is authorized to waive the cost of obtaining a temporary building **placement** permit if the temporary building is to be used for a civic function.

An applicant for a building or demolition permit may apply to the Zoning Administrator for an extension of the building or demolition permit upon showing good cause for not completing the work within the applicable period. Upon application, and a showing of good cause the Zoning Administrator shall be entitled to grant the applicant for extension of the building or demolition permit an extension of the building or demolition permit for a period not to exceed six (6) months upon conditions as the Zoning Administrator deems appropriate and just. There shall be no fee charged for the extension of time and the extension of time is not required to be approved by the Council.

The Zoning Administrator shall deny any building or demolition permit if the property which is the subject of the building or demolition permit or if other property owned by the Applicant or Owner of the property is in violation of any provision of these Zoning Ordinances or is in violation of any Nuisance Ordinance of the City or is the subject of any lien imposed thereon by the City due to abatement of any Nuisance or if the property or the owner of the property is in default in paying any sums to the City of Mobridge, including but not limited to charges for water, sewer or garbage fees. **The Zoning Administrator may grant a temporary building or demolition permit if the property which is the subject of the building or demolition permit or if other property owned by the Applicant or Owner of the property is in violation of any provision of these Zoning Ordinances or is in violation of a Nuisance Ordinance of the City or is the subject of any lien imposed by the City of Mobridge due to abatement of any Nuisance or Zoning Ordinance.**

Upon a showing of good cause, the City Council may grant a building, **temporary building**, demolition, **or temporary demolition** permit even though the Zoning Administrator is not authorized to issue the building permit pursuant to this paragraph.

**19.04** Construction and Use to be Provided in Applications and Permits. Building permits issued on the basis of applications approved by the Zoning Administrator authorized only the use, arrangement, and construction set forth in such approved application and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.



**19.05** Obtaining a Building Permit. All building/zoning permits shall be obtained by application of the owner or builder and shall give an estimated cost of the construction or repairs and the initial fees shall be based on such estimate; provided that if at the completion of said construction or repair the estimated cost as given in the application appears inadequate to the Zoning Administrator, he/she may demand bills or receipts to substantiate such value and additional fees may be assessed accordingly. It is the owner's responsibility to obtain a permit prior to construction on his/her property, owned or leased.

**19.06** Fee for Building Permit. The fee for each building permit will be on file in the office of the Zoning Administrator or Finance Officer.

## TITLE 20 -CITY PLANNING AND ZONING COMMISSION

**20.01 Organization.** The Planning and Zoning Commission shall consist of five (5) or more members, the total membership of which shall always be an uneven number. The Commission members shall be appointed by the Mayor and confirmed by the City Council. The term of each of the appointed members shall be for three years, serving staggered terms. Each member shall serve until his/her successor is appointed and qualified. Members of the Commission may be removed for cause by the appointed authority. Vacancies shall be filled by the Mayor with the confirmation of the City Council and shall be for the unexpired term. The members of the Planning Commission shall be city residents of legal age who are qualified by knowledge or experience to act in matters pertaining to the development and administration of a comprehensive plan of development for the city.

**20.02 Proceedings of the City Planning and Zoning Commission.** The City Planning and Zoning Commission shall serve as a Board of Adjustment as provided by South Dakota law. The City Planning and Zoning Commission shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this Ordinance. The City Planning and Zoning Commission shall keep record of all proceedings. Meetings shall be held at the call of the Chairperson and at such other times the Planning and Zoning Commission may determine. The Chairperson, or in his/her absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public. The City Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed with the Secretary of the Planning Commission. The Planning Commission shall adopt from time to time, subject to the approval of the City Council, such rules and regulations as it may deem necessary to carry appropriate provisions of this Ordinance into effect. The City Planning and Zoning Commission shall meet as often as necessary, but is required to hold a meeting not less than once every three (3) months, per SDCL 11-2-3.1.

**20.03 Hearings, Appeals, and Notices.** Appeals to the City Planning and Zoning Commission may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken with fifteen (15) days after permit publications in the newspaper, by filing with the officer from whom the appeal is taken and with the City Planning and Zoning Commission a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the City Planning and Zoning Commission all the paper constituting the record upon which the action appealed from was taken. The City Planning and Zoning Commission shall within fifteen (15) days after receipt of the petition hold a public hearing on the appeal, give public notice prior to, as well as, give due notice to the parties in interest, and decide the same. Upon the hearing, any party may appear in person or by agent or by attorney. The Finance Officer will notify all adjacent landowners of any Conditional Use and Variance notices and will also publish the required notices in the City's legal newspaper. The City will recover all expenses and time associated with a resident requesting a Conditional Uses or a Variance. The City Finance Officer

will bill/invoice the requesting resident for expenses and time incurred and the amount will be set by the City Council and on file in the office of the Finance Officer.

## TITLE 21 - CITY PLANNING AND ZONING COMMISSION POWERS AND

### DUTIES

**21.01 Administrative Review.** The City Planning and Zoning Commission shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation relating to the location or soundness of structures or to interpret any map.

**21.02 Conditional Uses; Conditions Governing Applications; Procedures.** The City Planning and Zoning Commission shall have power to hear and decide, in accordance with the provisions of this Ordinance, requests for conditional uses or for decisions upon other special questions upon which the City Planning and Zoning Commission is authorized by this Ordinance to pass; to decide such questions as are involved in determining whether a conditional use should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. A conditional use shall not be granted by the City Planning and Zoning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested and upon payment of the applicable fees set by Resolution.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the adjacent property, and all adjacent property owners, for which the conditional use is sought or his/her agent shall be notified by certified mail. Notice of such hearing shall published in one (1) official publication of the City and/or County at least fifteen (15) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, by agent, or by attorney;
4. The City Planning and Zoning Commission shall make a finding that it is empowered under this section of this Ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest; and
5. Before any conditional use shall be issued, the City Planning and Zoning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provisions and arrangements have been made concerning the following:
  - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas where required, with particular attention to the items in a above and the economic, noise, glare, or other effects of the conditional use on adjoining properties and properties generally in the District;
  - c. Refuse and service areas, with particular reference to the items in a and b above;
  - d. Utilities, with reference to locations, availability, and compatibility;
  - e. Screening and buffering with reference to type, dimensions, and character;

- f. Signs, if any, and proposed exterior lighting with reference to glare traffic safety, economic effect and compatibility and harmony with properties in the District;
- g. Required yards and other open spaces; and
- h. General compatibility with adjacent properties and other property in the District.

**21.03** Variances, Conditions Governing Applications; Procedures. The City Planning and Zoning Commission shall have the power, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or conditions of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, as such relief may be granted without substantially impairing the intent and purpose of this Ordinance.

1. No such variance shall be authorized by the Commission unless it finds that the strict application of the Ordinance would produce undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; the authorization of such variance will not be of substantial detriment to adjacent property; and the character of the district will not be changed by the granting of the variance; and the granting of such variance is based on the reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.

2. No variance shall be authorized unless the Commission finds that the condition or situation of the property concerned or the intended use of the land concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

3. A variance from the terms of this Ordinance shall not be granted by the City Planning and Zoning Commission unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; that the special conditions and circumstances do not result from the action of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district and until applicable fees set by Resolution are paid.

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

5. Notice of a public hearing shall be provided and held as set forth in 21.02 (2) and (3). Any party may appear in person, or by agent or by attorney; the City Planning and Zoning Commission shall make findings that the requirements of this TITLE have been met by the application for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the granting of a variance; and the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building; the Commission shall further make a finding that the granting of the variance will be in harmony with the general

purpose and intent of this Ordinance and will not injurious to the neighborhood or otherwise detrimental to the public welfare.

6. In granting any variance, the City Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made in part of terms under which the variance is granted, shall be deemed a violation of this Ordinance.

7. Under no circumstances shall the City Planning and Zoning Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**21.04** City Planning and Zoning Commission has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator. In exercising the above mentioned power, the City Planning and Zoning Commission may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination appeal form, and may make such order, requirement, decision or determination appeal as ought to be made, and to that end shall have all the powers of the Administrator from whom the appeal is taken. The concurring vote of three-fourths (3/4) of the full membership of the Planning and Zoning Commission shall be necessary to reverse any order, requirement, decision, or determination of any such administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

**21.05** Vacated Public Ways. Whenever any street or other public way is vacated by official action of the City, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

**21.06** Power and Duties.

1. The Planning and Zoning Commission may initiate proposed amendments to this Ordinance.
2. The Commission shall review all proposed amendments to this Ordinance and make recommendations to the City Council as specified in Title 24.
3. The Commission shall have all other responsibilities designated to it by this Ordinance and South Dakota Law.

## TITLE 22 -APPEALS

**22.01** Duties of Zoning Administrator, City Planning and Zoning Commission, Board of Adjustment, and Courts on Matters of Appeal. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be presented first to the Zoning Administrator and that such questions shall be presented to the City Planning and Zoning Commission only in appeal from the decisions of the Zoning Administrator and that recourse from the decisions of the City Planning and Zoning Commission shall be to the City Council and then to the court as provided by law. The procedure for deciding such questions shall be as stated in this SECTION and Ordinance. Under this Ordinance, the City Council shall have the following duties:

1. Of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law; and
2. May establish a schedule of fees and charges for such procedures.

**22.02** Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Planning and Zoning Commission after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed otherwise that by a restraining order which may be granted by the City Planning and Zoning Commission or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

**22.03** Appeals from the City Planning and Zoning Commission; Procedures of Appeal. Any person or persons, or any board, taxpayer, department, board, or bureau of the City aggrieved by any decision of the City Planning and Zoning Commission/Board of Adjustment may appeal to the City Council and then seek review by a court or record of such decision in the manner provided by the laws of the State of South Dakota.

## TITLE 23 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

**23.01** Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and Finance Officer and may be altered or amended only by the City Council. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application for appeal.



## TITLE 24 -AMENDMENTS

**24.01** Amendments. The provisions set forth in this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by action of the City Council or when such amendment, supplement, change, modification, or repeal is requested through a petition by thirty (30%) percent of the landowners in the district requesting change. An individual landowner may also petition the Board to change the zoning of all or any part of his property. Upon filing or upon separate request by the City Council, the City Planning and Zoning Commission and the Board shall hold a public hearing not less than fifteen (15) days after the notice published in the official newspaper of the City and/or County and subject to the provisions in SDCL 11-4. Such petitioning landowner shall also notify all other abutting landowners by registered mail of the petitioned zoning change at least one week prior to any public hearing held thereon by the City Planning and Zoning Commission. The City Planning and Zoning Commission shall within forty-five (45) days make its recommendation to the City Council. The report of such recommendation shall include approval, disapproval, or other suggestions and the reasons therefore, and a discussion of the effect on such amendment, supplement, change, modification upon adjacent property and upon the Comprehensive Plan. The City Council shall therefore, by duly enacted Ordinance, either adopt or reject such amendment, supplement, change, modification, or repeal, and if it is adopted by the City Council, the same shall be published in the official newspaper in the City and/or County and take effect on the twentieth (20th) day after its publication.

## TITLE 25 -VIOLATIONS, COMPLAINTS, PENALTIES, AND REMEDIES

**25.01 Building Permit Violations.** Each violation of Title 19 shall be punishable by a fine not to exceed two hundred (\$200) dollars, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment. The City shall, in addition, be entitled to maintain an action for civil injunctive relief, pursuant to SDCL 21-8.

**25.02 Violation of Ordinance.** Each violation of these ordinances, except Title 19, shall be punishable by a fine not to exceed two hundred (\$200) dollars, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment. The City shall, in addition, be entitled to maintain an action for civil injunctive relief, pursuant to SDCL 21-8.

## TITLE 26 -LEGAL STATUS PROVISIONS

**26.01 Separability.** Should any article, section, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**26.02 Purpose of Catch Heads.** The catch heads appearing in connection with the foregoing sections are inserted simply for convenience to serve the purpose of any index; and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

**26.03 Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provision of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**26.04 Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication according to law.

## APPENDIX A

### MODULAR MANUFACTURED AND MOBILE HOME STANDARDS

The following standards for mobile home tie-downs have taken into account possibilities and practicalities of providing protection from high winds for mobile homes. The standards may be used in conjunction with the ideas and concepts presented in TR75, Protecting Mobile Homes from High Winds, prepared by the Defense Civil Preparedness Agency, Washington, D.C.

Mobile Homes require two types of anchorage: (1) over-the-top tie-downs to restrict overturning and (2) frame ties to prevent the mobile home from being pushed from its piers. The standards apply to single mobile homes up to 14 feet in width. "Double-wides" do not require over-the-top ties, but they require the same number of frame ties.

Mobile Home Piers and Footings. All mobile homes shall meet the following minimum requirements for mobile home piers and footings:

1. The ground on which the mobile home is placed will support a minimum of 2,500 pounds per square foot;
2. All piers shall be placed on footings of solid concrete with minimum dimensions of 16" x 16" x 4";
3. Piers shall be constructed of standard 8" x 8" x 16" hollow concrete blocks;
4. Piers shall be topped with solid concrete caps 8" x 16";
5. Treated wood shims shall be driven tight between the cap and the main frame to provide uniform bearing. These shims shall be impervious to salt air and to rot. They shall taper from 0" to 3/4" in thickness and shall be wide enough to provide bearing over the concrete cap;
6. Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved. Jacks or heavy metal adjustable columns, anchored to both frame and foundations, may be used;
7. Piers shall be centered under each main frame (or chassis) member, with a maximum spacing of 10 feet on centers. The end piers shall be no farther than five (5) feet in from the ends of the mobile homes. The mobile home tie-downs will also have to meet the following criteria:
  1. Over-the-top tie-downs shall be positioned at stud and rafter locations near each end of the mobile home. Others, if needed may be positioned between them.
  2. Either steel cable or steel strapping can be used for ties. All ties shall be fastened to ground anchors, as described in Section 3 below and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws or forged or welded eyes.  
Turnbuckles with hook ends will not be permitted.
  3. All cable ends shall be secured with at least two U-bolt-type cable clamps or other fastening device as approved by the enforcing officials.
  4. Cables used for tie-downs shall be either galvanized steel or stainless steel having a breaking strength greater than 4,800 pounds. Cable shall be either 7/32" diameter or greater (7 x 19) aircraft cable.

5. When flat steel straps are used for tie-downs, they must be in accordance with Federal Specification QQ-S-781; that is 1 ¼ " x .035", Type 1, Class B, Grade 1, with a breaking strength of at least 4,750 pounds.
  6. Steel straps used for ties must terminate with D-rings, bolts, or other fastening devices which will not cause distortion of the band or reduce its breaking strength.
  7. Sharp edges of the mobile home that would tend to cut the cable or strap must be protected by a suitable device to prevent cutting when the mobile home is buffeted by the wind. Likewise, special adapters must be installed to prevent the cable or strap from knifing through the mobile home.
  8. Connection of the cable frame tie to the I-beam (or other shape) main structural-frame member should be by a 5/8" drop-forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, should be used so that the beam is sufficiently reinforced around the hole. If steel-strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
  9. Frame ties should connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the mobile home. Frame ties CAN'T BE CONNECTED to any of the steel outrigger beams which fasten to and intersect the main I-beams at right angles. The outriggers do not have adequate strength to resist the frame-tie loadings during high winds. Pictures will be added to final draft
- Mobile home ground anchors shall meet the following requirements:
1. Ground anchors should be aligned with centers of piers. Also, they should be situated immediately below the outer wall to accommodate over-the-top as well as frame ties.
  2. Auger-type anchors shall have a minimum diameter of 6 inches (arrowheads 81') and be sunk to their full depth (at 1 east 4 I) . Steel rods shall be at least 5/8" in diameter, have a forged or welded eye at top, or have a yoke-type fastening and tensioning device or a threaded connector and tensioning device.
  3. Anchors shall be capable of withstanding 5,700 pounds of pull (in a vertical or diagonal direction) without-failure. This loading can be achieved by many anchors in most kinds of soils.
  4. Deadman anchors shall be sunk to a depth of 5 feet, have a minimum length of 2 feet, and have a diameter of at least 6 inches. Hollow concrete blocks are not approved. Steel rods shall be at least 5/8" in diameter, with the bottom hooked into the concrete deadman.
  5. Anchors to reinforced concrete slabs must be of strength comparable to that presented above. Pictures will be added to final draft

## MODULAR MANUFACTURED AND MOBILE HOME PROVISIONS

### Definitions of Modular Manufactured Homes and Standards

Modular Home Regulations. Modular shall meet or exceed all of the following requirements:

- A. Modular homes shall meet or exceed the Uniform Building Codes.
  - B. Modular homes will includes all off-site constructed homes, which may be transported to the site in one or more sections.
  - C. Modular homes shall have more than 1,000 square feet in ranch style and 850 square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
  - D. Modular homes shall have a minimum of a 3 1/2-roof pitch.
- Mobile Home Types and Standards.

Type I Manufactured Home. Type I manufactured homes shall meet or exceed the following requirements:

- A. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.
- B. Be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- C. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified below.
- D. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A standards.
- E. Have a gabled roof with a pitch of at least 1-1/2 feet.
- F. Have a vinyl or wood lap siding material of a type customarily used on site-constructed residences.
- G. Have roofing material of a type customarily used on site-constructed residences.
- H. The age of the manufactured house may not exceed ten (10) years from the date of manufacture unless permitted by conditional upon review from the Mobridge Planning and Zoning Commission.

Type II Manufactured Homes. Type II manufactured homes shall meet or exceed the following requirements:

- A. Have more than 700 square feet of occupied space in a single, double, expand or multi-section unit.
- B. Utilize a permanent perimeter enclosure in accordance with approval installation standards, as specified below.
- C. Be anchored to the ground, in accordance with manufacturers specifications, or as prescribed by the BNSI/NFPA 5018 standards.
- D. Have siding material of a type customarily used on site-constructed residences.
- E. Have roofing material of a type customarily used on site-constructed residences.
- F. The age of the manufactured house may not exceed ten (10) years from the date of manufacture unless permitted by conditional upon review from the Mobridge Planning and Zoning Commission.
- G. Be placed onto a support system, in accordance with approved installation standards, as specified below.

Type III Manufactured Homes. Type III manufactured homes shall meet or exceed the following requirements:

- A. Have more than 700 square feet of occupied space in a single, double, expand or multi-section unit.
- B. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified below.
- C. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A standards.
- D. The age of the manufactured house may not exceed ten (10) years from the date of manufacture unless permitted by conditional upon review from the Mobridge Planning and Zoning Commission.

#### Installation Standards.

Permanent Perimeter Enclosures. Permanent Perimeter Enclosures will be required of all types of manufactured homes (Type I, II, and III). Those manufactured homes designated as requiring permanent perimeter enclosure must have footings and crawl space or basement walls. The space between the floor joints or the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings)

Foundation Siding/Skirting. All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.

#### Support Systems.

- A. All HUD-code manufactured homes of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer's installation specifications.
- B. Type II and III manufactured homes not placed on a permanent foundation shall be installed on a support system in conformance with the
- C. Manufacturer's installation specifications or with the support system regulations in the ANSI/NFPA 501A 1977 installation standards.

Structural Alterations. Due to its integral design, any structure alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the City Council.

## APPENDIX B

### INDUSTRIAL PERFORMANCE STANDARDS

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.
2. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other City ordinances.
3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half ( $\frac{1}{2}$ ) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted. Particular matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (~) hour. At which time it may equal but not exceed six-tenths (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.
6. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.



7. Gases. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.

8. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

9. Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property lines. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

## APPENDIX C

### CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS

#### Intent

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of the citizens of the City and the State of South Dakota. However, livestock, poultry, and other animals produce manure which may, where improperly stored, transported, or disposed, negatively affect the City environment. Animal manure must be controlled where it may add to air, surface water, ground water, or land pollution. The following regulations have been adopted to provide protection against pollution caused by manure from domesticated animals. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outline herein.

It is the intention of the Board of Adjustment in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities. A special exception can be issued, see Special Exception in the City of Mobridge Zoning Regulations.

#### Definitions

**Animal Manure:** Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding or other materials.

**Animal Unit:** A unit of measure for livestock equated as follows; one animal unit is equivalent to:

- 1 Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds;
- 0.5 Horse;
- 0.7 Mature dairy cattle, excluding dairy calves under 300 pounds;
- 0.27 Farrow-to-finish sows;
- 1 Swine in a production unit;
- 10 Nursery swine less than 55 pounds;
- 2.5 Finisher swine over 55 pounds;
- 10 Sheep or lambs;
- 30 Laying hens or broilers;
- 5 Ducks and/or geese; and
- 55 Turkeys.

**Applicant:** An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Change in Operation: “Change in operation” means a cumulative expansion of more than 300 animals units, after date , which are confined at an existing unpermitted concentrated animal feeding operation.

Farm Dwelling: Any dwelling owned or occupied by the farm owners, operators, tenants, or seasonal or year-around hired workers.

Non-Farm Dwelling: Any occupied dwelling which is not a farm dwelling.

Permit: A permit required by these regulations unless stated otherwise.

Potential Pollution Hazard: A Concentrated Animal Feeding Operation of 50 to 499 Animal Units may be classified as a Class D Operation by the City Zoning Officer when a Potential Pollution Hazard exists. Factors to be considered by the Zoning Officer in determining a Potential Pollution Hazard include the following:

1. The Concentrated Animal Feeding Operation does not meet the minimum setback and separation distances of these regulations.
2. A Potential Water Pollution Hazard exists due to sitting over a shallow aquifer or drainage which contributes to the waters of the State.

Process Generated Wastewater: Water directly or indirectly used in the operation of an animal feeding operation. The term includes spillage or overflow from water systems; water and manure collected while washing, cleaning or flushing pens, barns, manure pits or other areas; water and manure collected during direct contact swimming, washing or spray cooling of animals; and water used in dust control.

Process Wastewater: “Process wastewater” means any process generated wastewater and any precipitation (rain or snow) that comes into contact with the animals, manure, litter or bedding, feed, or other portions of the animal feeding operation. The term includes runoff from an open lot.

Shall: “Shall” means that the condition is an enforceable requirement of this permit.

Shallow Aquifer: An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well: A well which is located in a shallow aquifer.

Should: “Should” means that the condition is a recommendation. If violations of the permit occur, the City will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Significant Contributor of Pollution: To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the state;
2. Location of the feeding operation in relation to waters of the state;
3. Means of conveyance of manure and process wastewater into waters of the state;
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state. Water of the State means all waters within the jurisdiction of this state, including all streams, lake, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Zone A: Special Flood Hazard Areas subject to inundation by the 100-year flood.

Zone X: These areas have been identified in the community flood insurance study as areas of moderate or minimal hazard from the principal source of flood in the area.

#### Animal Units

Animal species and number of a species required to equal 300, 1,000 and 2,000 animal units. Note that these figures relate to inventory rather than annual production. Other animal species equivalents which are not listed will be based on species' waste production.

#### EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

ANIMAL UNIT

EQUIVALENT

ANIMAL SPECIES 300 AU 1,000 AU 2,000 AU SPECIES/AU

Feeder or Slaughter 300 hd 1,000 hd 2,000 hd 1.0

Cattle

Mature Dairy Cattle 210 hd 700 hd 1,400 hd 0.7

Finisher Swine 750 hd 2,500 hd 5,000 hd 2.5

(over 55 lbs)

Nursery Swine

(less than 55 lbs) 3,000 hd 10,000 hd 20,000 hd 10

Farrow-to-Finish (sows) 81 hd 270 hd 540 hd 0.27

Swine Production Unit 300 hd 1,000 hd 2,000 hd 1

(Sows Breeding, Gestating & Farrowing)

Horses 150 hd 500 hd 1,000 hd 0.5

Sheep 3,000 hd 10,000 hd 20,000 hd 10

Turkeys 16,500 hd 55,000 hd 110,000 hd 55

Laying Hens and 9,000 hd 30,000 hd 60,000 hd 30

Broilers (continuous overflow watering in facility)

Laying Hens and 9,000 hd 30,000 hd 60,000 hd 30

Broilers

(liquid handling system in confinement facility)

Ducks 1,500 hd 5,000 hd 10,000 hd

## 5 Classes of Concentrated Animal Feeding Operations

A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 45 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. Two or more animal feeding operations under common ownership are single animal operation if they adjoin each other, or if they use a common area, or system for disposal of manure.

For the purpose of these regulations, Concentrated Animal Feeding Operations are divided into the following classes:

### ANIMAL UNITS

Class A 2,000 or more

Class B 1,000 to 1,999

Class C 300 to 999

Class D 0 to 300 (Potential water pollution hazard)

Class E 0 to 300 (No pollution hazard)

### Concentrated Animal Feeding Operation Permit Requirements

Owner of Class A, Class B, Class C, and Class D Concentrated Animal Feeding Operations are required to complete a permit application whenever any of the following occur:

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. A cumulative expansion by 300 animal units, after date , of existing concentrated animal feeding operation that does not have a permit.
4. A change in ownership.
5. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) or more years.
6. A signed complaint has been received by the City Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Concentrated Animal Feeding Operation is in violation of City or State regulations.

## Concentrated Animal Feeding Operation Control Requirements

### 1. No Significant Contribution of Pollution

In general, no Concentrated Animal Feeding Operation shall be constructed, located, or operated so as to create a significant contribution of pollution.

### 2. State General Permit

Class A and B Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation. A City permit may be approved conditioned on receiving a State permit.

Classes C and D Concentrated Animal Feeding Operations will be required to obtain a State General Permit if either of the following occur:

- a. If an earthen storage basin or lagoon is used for manure storage.
- b. The Board of Adjustment decides conditions require a State permit.

### 3. Nutrient Management Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Nutrient Management Plan to the State. The applicant shall develop, maintain, and follow a nutrient management plan to ensure safe disposal of manure and protection of surface and ground water. The South Dakota Department of Environment & Natural Resources must approve the plan prior to land application of any wastes. Due to crop rotation, site changes, and other operational changes, the producer should update the plan annually to reflect the current operation and crops grown on the application sites. The applicant shall collect, store, and dispose of liquid and solid manure according to recognized practices of good agricultural management. The economic benefits derived from agricultural operations carried out at the land disposal site are secondary to the proper and safe disposal of the manure.

A generic nutrient management plan that the applicant may use in developing a nutrient management plan is available from the South Dakota Department of Environment & Natural Resources. The generic nutrient management plan is based on application of nitrogen. The applicant may use other plans, provided the alternate plan contains all the information necessary to determine compliance with conditions of this general permit. Nitrogen, in addition to that allowed in the nutrient management plan, may be applied up to the amounts as indicated by soil or crop nitrogen test results that are necessary to obtain the realistic crop yield.

The South Dakota Department of Environment & Natural Resources recommends and encourages producers to develop nutrient management plans for other nutrients such as phosphorous and potassium. Over application of these nutrients may lead to water quality problems in area lakes and streams and result in potential damage to the producer's land and crop.

The applicant must maintain records to show compliance with the plan.

The plan must comply with City Manure Application Setbacks.

Land spreading agreements shall be provided if applicant does not have minimum acreage to apply animal manure. Animal manure shall be applied within five miles of the Concentrated Animal Feeding Operation.

#### 4. Manure Management and Operation Plan

Classes A, B, C, and D Concentrated Animal Feeding Operations shall submit a Manure Management and Operation Plan.

A. Plan must include:

1. The location and specifics of proposed animal manure facilities.
2. The operation procedures and maintenance of manure facilities.
3. Plans and specifications must be prepared or approved by a registered professional engineer, or a South Dakota licensed Natural Resource Conservation Service (NRCS) engineer. Waste treatment facilities will require inspection by an engineer and as-built plans to be submitted to the City Zoning Officer.
4. Animal manure shall not be stored longer than two years.
5. Manure containment structures shall provide for a minimum design volume of 270 days of storage.
6. Producers shall keep records on manure applications on individual fields which document acceptable manure and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields.
7. Manure transportation plan; manure transportation is limited to five Miles from the place of origin.

B. As a condition of the permit, the City Board of Adjustment may require the producer to participate in environmental training programs and become a certified livestock manager.

C. The Board of Adjustment may require manure to be injected or incorporated into the soil.

5. Management Plan for Fly and Odor Control Classes A, B, C, and D Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The City Board of Adjustment will review the need for control measures on a site specific basis, taking in consideration prevailing wind direction and topography. The following procedures to control flies and odors should be considered in a management control plan.

A. Operational plans for manure collection, storage treatment and use must be kept updated and implemented.

B. Methods to be utilized to dispose of dead animals should be included in the management plan.

C. Plant trees and shrubs to reduce wind movement of odors away from buildings, manure storage ponds and/or lagoons.

D. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.

E. Store solid manure in containment areas having good drainage to minimize odor production.

F. Remove manure from open pens as frequently as possible to minimize odor production.

G. Consider use of covers on open storage systems or liquid manure systems to reduce odor production.

H. Avoid spreading manure on weekends, holidays, and evenings during warm season when neighbors may be involved in outdoor recreation activities.

I. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.

J. Incorporation of manure must occur within 24 hours of open air spreading.

6. Required Setbacks (defined as radius) and Separation Distance for new Concentrated Animal Feeding Operations and those Expanding by 300 or More Animal Units after (date) .

MINIMUMS

CLASS A CLASS B CLASS C CLASS D & E

Established Residences 3,960 feet\* 2,640 feet 2,640 feet 2,640 feet not including owners/operators

Churches, Businesses and Commercially Zoned Areas 5,280 feet\* 5,280 feet 2,640 feet 2,640 feet

Incorporated Municipality 3 miles 2 miles 5,280 feet 2,640 feet

Private Wells & Public Water Supplies other than the operator 2,640 feet 1,760 feet 1,320 feet 1,320 feet

Lakes and Streams 500 feet 500 feet 200 feet 200 feet

Classified as Fisheries as identified by the State

Federal, State & City Road ROW Housed 300 feet 300 feet 200 feet 200 feet

Federal, State & City Road ROW Open Lot 300 feet 300 feet 200 feet 200 feet

Township Road ROW Housed 150 feet 150 feet 150 feet 150 feet  
Township Road ROW Open Lot 150 feet 150 feet 150 feet 150 feet

Designated 100 Year Prohibited Floodplain

\*plus 1,000 feet for 1,000 additional units

Proposals for new Concentrated Animal Feeding Operations, on a site-by-site basis, shall be set back from adjoining property lines as determined by the City Board of Adjustment.

7. Exemptions from Separation Distance

1. If a Concentrated Animal Feeding Operation is closer than the separation distances provided in these regulations, the applicant can request a written waiver from the separation distance. The residence, business, church, school, municipality, or public use area may waive the distance requirement. The waiver is recorded with the City Register of Deeds in order that any future owners can be informed.



2. Concentrated Animal Feeding Operation expansion of 300 animal units or more can apply to City Board of Adjustment for a variance to the required setback and separation distance regulations.

#### 8. New Residences

Anyone establishing a new residence must comply with the minimum setbacks as stated in Section 6, Established Residences, upon determining the class of the concentrated animal feeding operation where the new residence will be located.

The following uses are prohibited in Zone A:

1. New Concentrated Animal Feeding Operations after adoption of this ordinance.
2. Existing Concentrated Animal Feeding Operations will not be able to expand beyond a total of 300 animal units.
3. Earthen storage basins and lagoons.
4. Stockpiling of solid waste.

The following uses are prohibited in Zone B:

1. New and expansion of Class A and B Concentrated Animal Feeding Operations.
2. Earthen storage basins and lagoons.

The following uses are allowed in Zone B by Special Exception:

1. New Class D and expansion of existing Class D up to 999 animals units (Class C).

The City may require soil borings to determine impermeable material between land surface and the aquifer.

Each application for a new or expanded Concentrated Animal Feeding Operation (CAFO) will be reviewed by the Board of Adjustment on a site specific basis. The Board of Adjustment reserves the right to increase the minimum required setbacks and separation distance on a site specific review, based on one or more of the following considerations.

- A. A concentration of CAFOs in the area exists or would occur which may pose an air or water quality concern.
- B. Due to topography and prevailing wind direction, additional setback and separation distance is appropriate to safeguard air or water quality.
- C. A Concentrated Animal Feeding Operation is in excess of 5,000 animal units.

#### 9. Manure Application Setbacks

A. The following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations.

**CITY MANURE APPLICATION SETBACKS  
SURFACE OR IRRIGATION INCORPORATED OR  
CATEGORY APPLIED INJECTED**

Lake, Rivers and Streams 1,000 feet 100 feet (lake)

Classified as Fisheries from 50 feet (river & stream) high water mark

Streams and Lake 1,000 feet 300 feet classified as Drinking  
Water Supplies

Public Roads 25 feet (surface) from 10 feet from right-of-right-of-way way  
300 feet (irrigation)

Area of 10 or more 300 feet (surface) 300 feet  
Residences 1,000 feet (irrigation)  
Public Wells 1,000 feet 1,000 feet  
Private Shallow Wells 1,000 feet 250 feet  
A Residence other than the 1,000 feet 300 feet  
Operator  
Natural or Manmade 500 feet 50 feet  
Drainage

B. The City Board of Adjustment may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts.

C. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment on a site-specific basis. Impact on air and water quality will be taking into consideration.

#### 10. Standards for Special Exceptions

A. The City Board of Adjustment may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations.

B. The City Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulation, additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare.

C. Special Exceptions shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.

D. When considering an application, the City Board of Adjustment will take into consideration current and past violations relating to Concentrated Animal Feeding Operations that the applicant has an interest in.

E. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the zoning officer and signed by both the applicant and the zoning officer.

F. A neighboring township that adjoins between two counties will follow the regulations of the City that is most restrictive.

G. An applicant's record on environmental issues, employment, and labor compliance must be submitted with the application. If the City Planning and Zoning Commission finds the person is a "bad actor" then the applicant will be denied a permit.

#### 11. Facility Road Maintenance Agreements

All facilities within City of Mobridge that cause excessive maintenance of City or Township roads shall be required to have a written agreement with the Township Board or City Highway Superintendent, stating acceptance responsibility for all additional costs incurred by the facility in maintenance of said road. Excessive maintenance shall be defined as: All work and material costs incurred over and above the average cost of maintaining that specific type of road within that local governmental units jurisdiction. The terms of said agreement shall be determined prior to the issuance of a conditional use permit.

#### 12. Information Required for Class A and B Concentrated Animal Feeding Operational Permit.

A. Owner's name, address and telephone numbers.

B. Legal descriptions of site and site plan.

- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements including site plan to scale.
- H. General permit from South Dakota Department of Environment & Natural Resources if available for animal species.
- I. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources.
- J. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- K. Notification of whomever maintains the access road (township, City and state).
- L. Notification of public water supply officials.
- M. Any other information as contained in the application and requested by the City Zoning Officer.
- N. Written notification to landowners or tenants living within the setback area to the proposed facility, and publication of notice in official City newspaper at least once.
- O. A full written plan must be submitted at least four weeks in advance of the public hearing in the City courthouse or other location, available for public inspection.
- P. A copy of the general permit application must be submitted to the City, at the time it is submitted to State Department of Environment and Natural Resources.
- Q. A list of owner's names contracted to do manure land spreading and a legal description of the land must be submitted to the City.

13. Information Required for Class C and D Concentrated Animal Feeding Operational Permit.

- A. Owner's name, address and telephone number.
- B. Legal descriptions of site and site plan.
- C. Number and type of animals.
- D. Nutrient management plan.
- E. Manure management and operation plan.
- F. Management plan for fly and odor control.
- G. Information on ability to meet designated setback requirements, including site plan to scale.
- H. Review of plans and specifications and nutrient management plan by the South Dakota Department of Environment & Natural Resources if using lagoon or earthen storage basin.
- I. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- J. Notification of whomever maintains the access road (township, City and state).
- K. Notification of public water supply officials.
- L. Any other information as contained in the application and requested by the City Zoning Officer.

## APPENDIX D

### CITY OF MOBRIDGE SUBDIVISION REGULATIONS

An Ordinance establishing rules, regulations, and standards governing the subdivision of the land within City of Mobridge, South Dakota, and providing harmonious development of the City and its environs for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the City for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Now, therefore, be it enacted by City of Mobridge, South Dakota.

#### ARTICLE I - GENERAL PROVISIONS

##### SECTION 101 - Purpose

These regulations shall be for the purpose of promoting harmonious development through the implementation of the City of Mobridge Comprehensive Plan.

##### SECTION 102 - Extent of Regulation

The provisions of these regulations shall apply to every addition to, or subdivision within City of Mobridge, South Dakota, and their prescribed area of extra-territorial jurisdiction. No plat of a subdivision of land shall be filed or recorded until it has been submitted to the Planning and Zoning Commission for their review and then approved by the City of Mobridge Common Council.

##### SECTION 103 -Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied included the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes the word structure.

Alley: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Block: A track or parcel of land bounded by public streets or land, streams, railroads, unplatted lands or a combination thereof.

Comprehensive Plan: A long-range plan for the improvement and development of City of Mobridge, South Dakota, as adopted by the Planning Commission and the City Common Council.

Cul-de-sac: A street having one end connecting with a public street and being terminated as its other end by a vehicular turn-around.

Improvements: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading street signs, plantings, and other items for the welfare of the property owners and the public.

Lot: A portion of a subdivision or other parcel of plotted land, intended as a unit for transfer of ownership or for development.

Lot of record: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of City of Mobridge, South Dakota.

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

Right-of-way: A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

Street: A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

Street -major: Provides for the through traffic movement between areas and across the city, and direct access to abutting property; subject to necessary control of entrances, exits and curb use.

Street -collector: Provides for traffic movement between major arteries and local streets, and direct access to abutting property.

Street - local: Provides for direct access to abutting land, and for local traffic movements.

Subdivider: A natural person, firm, co-partnership, association or corporation who submits a proposed subdivision to the Planning Commission.

Subdivision: The division of a lot, tract or parcel of land into four or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.

Water course, drainage way, channel or stream: A natural or man-made depression in which a current of surface run-off water flows following precipitation.

## ARTICLE 2 - PROCEDURES

### SECTION 201 – Pre-Application

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, and the Comprehensive Plan.

### SECTION 202 – Preliminary Application Fee

The subdivider shall pay to the Zoning Administrator a preliminary application fee as stated in the approved fee schedule before application.

### SECTION 203 – Preliminary Application

The subdivider shall prepare and submit to the Planning Commission the following:

1. Seven (7) copies of the preliminary plat and shall include or be accompanied by the following information:

- a) Receipt for preliminary platting fee.
- b) Proposed name of the subdivision, which shall not duplicate previously filed plat names.
- c) A date, scale, northpoint, and key map showing the general location of the proposed subdivision in relation to surrounding development.
- d) Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
- e) Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
- f) Existing contours wherever five (5) feet of deviation occurs.
- g) Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.

- h) Zoning classifications and existing and proposed land use.
  - i) Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, or in lieu of the completion of such work and installations previous to the final approval of a plat, the City Common Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the City Common Council and expressed in the bond, or in lieu of completion of such work and installations previous to the final approval of a plat for an assessment or other method whereby the municipality is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.
  - j) Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water the proposed subdivision.
  - k) Layout, numbers, and approximate dimensions of lots and the number of each block.
2. After receipt of the preliminary plat applications, the Planning and Zoning Commission shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City. The findings of the examinations shall be returned to the Commission within fifteen (15) days.
  3. The Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Commission shall be void at the end of six (6) months unless a final plat has been submitted.
  4. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat.

#### SECTION 204 – Final Application Fees

The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be as stated in the approved fee schedule.

#### SECTION 205 - Final Plat Application

The subdivider shall prepare and submit to the Planning and Zoning Commission the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Seven (7) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article V of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:

a) The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.

b) Location and description of all monuments.

c) Location by section, township, range, City, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.

d) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.

e) Certificate signed by the City Finance Officer stating that there are no regular or special taxes due or delinquent against the property described in the plat.

f) Certificate signed by the Director of Equalization approving the plat.

g) One copy of any private restriction or covenants affecting the subdivision or any part thereof.

2. Any subdivision of land containing four or more lots, no matter how described, must be submitted to the Planning and Zoning Commission for approval or disapproval. Upon action by the Planning and Zoning Commission, the plat shall then be submitted for approval or disapproval by the City Common Council. Any plat submitted for approval by the City Common Council shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the City Common Council without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefore. Also any plat approved by the City Common Council shall require the signature of the City Finance Officer and the Mayor of the City of Mobridge.

3. The plat shall be approved or disapproved by the City Common Council within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the City Common Council on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the City Common Council.

5. The approval of a plat by the City Common Council shall not be deemed to constitute or effect any acceptance by the municipality or public of the dedication of any street or other ground shown on the plat.

6.



5. When any map, plan, plat or replat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map, plan, plat or replat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any such map, plan, plat or replat unless and until the same shall have been approved by the City Common Council of the City of Mobridge pursuant to this Ordinance.

## ARTICLE 3 - DESIGN STANDARDS

### SECTION 301 - General Standards

Land within the proposed subdivision which the Planning and Zoning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

### SECTION 302 - Streets and Alleys

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets should be planned as to discourage through traffic. Permitted culde-sacs shall not be longer than four hundred (400) feet and shall terminate with a turnaround having a curblin diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in Commercial and Industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavements widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

## TYPE PAVEMENT WIDTH R.O.W

Major Arterial Streets 66' 80'

Local Streets 46' 66'

Alleys 16' 20'

### SECTION 303 - Lots

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.

### SECTION 304 - Easements

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

## ARTICLE 4 - IMPROVEMENTS

### SECTION 401 - IMPROVEMENTS

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the City of Mobridge Common Council certain required improvements as follows:

1. Staking - the external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Street Grading - all full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade approved by the designated engineer of the City of Mobridge.
3. Street Surfacing - the streets shall be paved in accordance with street improvement and paving standards and regulations approved by the City of Mobridge, South Dakota.
4. Sanitary Sewer - where a municipal sanitary sewer is accessible by gravity flow within 100 feet of the final plat, the subdivider shall submit to the City Water Superintendent the plans for connection with a trunk line to the existing system. The City shall then inform the subdivider of

the trunk size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within 100 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within 100 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

5. Water Mains - where a public water supply is within one hundred (100) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the City Code(s) requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system and proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health.

## ARTICLE 5 - ENFORCEMENT

### SECTION 501 - Enforcement

1. No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

2. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or re-plat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or re-plat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Register of Deeds.

## ARTICLE 6 - PENALTY

### SECTION 601 - Penalty

It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Ordinance. Violation thereof shall be a misdemeanor and may be punishable by a fine established by the City for each and every day that any violator fails to comply with the provisions of this Ordinance.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent City of Mobridge from taking such other lawful action as is necessary to prevent any violation.

#### ARTICLE 7 - SEVERABILITY CLAUSE

##### SECTION 701 - Severability Clause

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### ARTICLE 8 - LEGAL STATUS PROVISIONS

##### SECTION 801 - Conflict with Other Regulations

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between standards or dimensions noted herein and those contained in the Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

## APPENDIX E - RE-PLATTING LAND

### SECTION 101 – Pre-Application

Prior to dividing or re-platting any land, the owner, person(s) responsible, or his/her agent shall discuss informally with the Planning Commission the proposed area to be re-platted with reference to Appendix E of the Zoning Ordinance and the Comprehensive Plan.

### SECTION 102 – Preliminary Application Fee

The owner, person(s) responsible, or his/her agent shall pay to the City Finance Officer a preliminary application fee that is on file in the office of the Finance Officer before application.

### SECTION 103 – Preliminary Application

The owner, person(s) responsible, or his/her agent shall prepare and submit to the Planning Commission the following:

A. Five (5) copies of the preliminary plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All preliminary submittals shall be in conformance with the design standards set forth in Article III of Appendix D of this Ordinance relating to Sub-divisions and shall include or be accompanied by the following information:

1. Receipt for preliminary platting fee.
2. Proposed name of the division of land, which shall not duplicate previously filed plat names.
3. A date, scale, northpoint, and key map showing the general location of the proposed subdivision in relation to surrounding area.
4. Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
5. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
6. Existing contours wherever five (5) feet of deviation occurs.
7. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed division and their relationship to the same of adjacent divisions or subdivisions.
8. Zoning classifications and existing and proposed land use.
9. Written and signed statements explaining how and when the owner or person(s) responsible proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, if needed, or in lieu of the completion of such work and installations previous to the final approval of a plat, the Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities, if needed, within a period specified by the Council and expressed in the bond, or in lieu of completion of such work and installations previous to the final approval of a plat for

an assessment or other method whereby the municipality is put in an assured position to do said work and make said installations at the cost of the owners of the property within the divided area/land.

10. Written and signed statements by the appropriate officials, obtained by the owner or person(s) responsible, ascertaining the availability of gas, electricity, and water the proposed divided area/land.

11. Layout, numbers, and approximate dimensions of lots and the number of each block, if required.

B. After receipt of the preliminary plat applications, the Planning and Zoning Commission shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City. The findings of the examinations shall be returned to the Commission within fifteen (15) days.

C. The Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Commission shall be void at the end of six (6) months unless a final plat has been submitted.

D. Upon approval of the preliminary plat by the Commission, the owner, person(s) responsible, or his/her agent may proceed with the preparation of the final plat.

#### SECTION 104 – Final Application Fees

The owner or person(s) responsible shall pay to the City Finance Officer a final application fee after preliminary approval and before final application. The fee amount shall be on file in the Office of the Finance Officer.

#### SECTION 105 – Final Plat Application

The owner, person(s) responsible, of his/her agent shall prepare and submit to the Planning and Zoning Commission the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

A. Five (5) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article V of Appendix D of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:

1. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
2. Location and description of all monuments.
3. Location by section, township, range, county, and state, including descriptive boundaries of the divided area/land, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
4. Notarized certificate signed and acknowledged by all parties having any titled interest in

or lien upon the land divided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.

5. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.

6. Certificate signed by the City Engineer approving the plat.

7. One copy of any private restriction or covenants affecting the divided area/land or any part thereof.

B. Any division of land containing two or more lots, no matter how described, must be submitted to the Planning and Zoning Commission for approval.

Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the Council without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefore.

C. The plat shall be approved or disapproved within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Council on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Council.

D. The approval of a plat by the Council shall not be deemed to constitute or effect any acceptance by the municipality or public of the dedication of any street or other ground shown on the plat.

When any map, plan, plat or re-plat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map, plan, plat or re-plat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any such map, plan, plat or re-plat unless and until the same shall have been approved by the City Council of such municipality.

## APPENDIX F - PROCEDURE FOR MUNICIPAL ANNEXATION

### Annexation by Petition

The governing body of a municipality, upon receipt of a written petition describing the boundaries of any territory contiguous to that municipality sought to be annexed to that municipality, may by resolution include such territory or any part within such municipality if the petition is signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality.

For purposes of this section, “contiguous” includes territory separated from the municipality by reason of intervening ownership of land used as a golf course or any land owned by the State of South Dakota or any subdivision thereof. (SDCL 9-4-1)

### Annexation by Resolution

The governing body may by resolution annex property into the city which is contiguous with the corporate limits and either platted or unplatted. (SDCL 9-4-4, 9-4-5)

Step 1 Study required before annexation without petition. Except as provided by 9-4-1, before a municipality may extend its boundaries to include contiguous territory, the governing body shall conduct a study to determine the need for the contiguous territory and to identify the resources necessary to extend the municipal boundaries. (9-4-4.1)

Step 2 Based on the study provided for in 9-4-4.1, the governing body may adopt a resolution of intent to extend its boundaries. The resolution, in towns/cities of 1000 or more persons per last federal census, shall include:

1. The description and boundaries of the territory to be annexes;
2. That ample and suitable resources exist to accommodate the orderly growth or development of the contiguous territory;
3. The municipal utilities and a major street network are considered in terms of the proposed boundary extension and that there is a definite timetable upon which municipal service will be extended into the contiguous territory;
4. The approximate cost of the extended service to the residents of the contiguous territory and the municipality;
5. The estimated difference in tax assessment rate for the residents in the contiguous territory;
6. That exclusions and irregularities in boundary lines are not the result of arbitrariness;
7. That there is reasonable present or demonstrable future need for annexing the contiguous territory; and



8. That population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries. (SDCL 9-4-4.2)

Step 3 A proposed Resolution of Intent to annex is drafted with the date of public hearing and is sent by certified mail to all affected property owners and the County Commission. Copies must be sent not less than ten days prior to the public hearing date. See SDCL 9-4-4.3,9-4-4.4.

Step 4 The hearing is held by the city council and the Resolution of Intent is adopted and published and becomes effective twenty days after publication.

Step 5 Within sixty days after adoption, copies of the Resolution of Intent are mailed to all property owners affected and the County Commission by certified mail.

Step 6 If the area to be annexed includes unplatted property, a resolution approving such annexation is adopted by the County Commission, published, and becomes effective unless referred to a vote. See 94-5.

Step 7 After adoption of the Resolution of Intent and approval by the County Commission if necessary, the city council holds a public hearing and adopts an Annexation Resolution. This may include all or part of the area described in the Resolution of Intent. The Annexation Resolution is published and becomes final after twenty days unless referred to a vote.

For the purpose of exclusion, it can be found in 9-4-6 through 9-4-10.

## APPENDIX G - PROCEDURE FOR REZONING

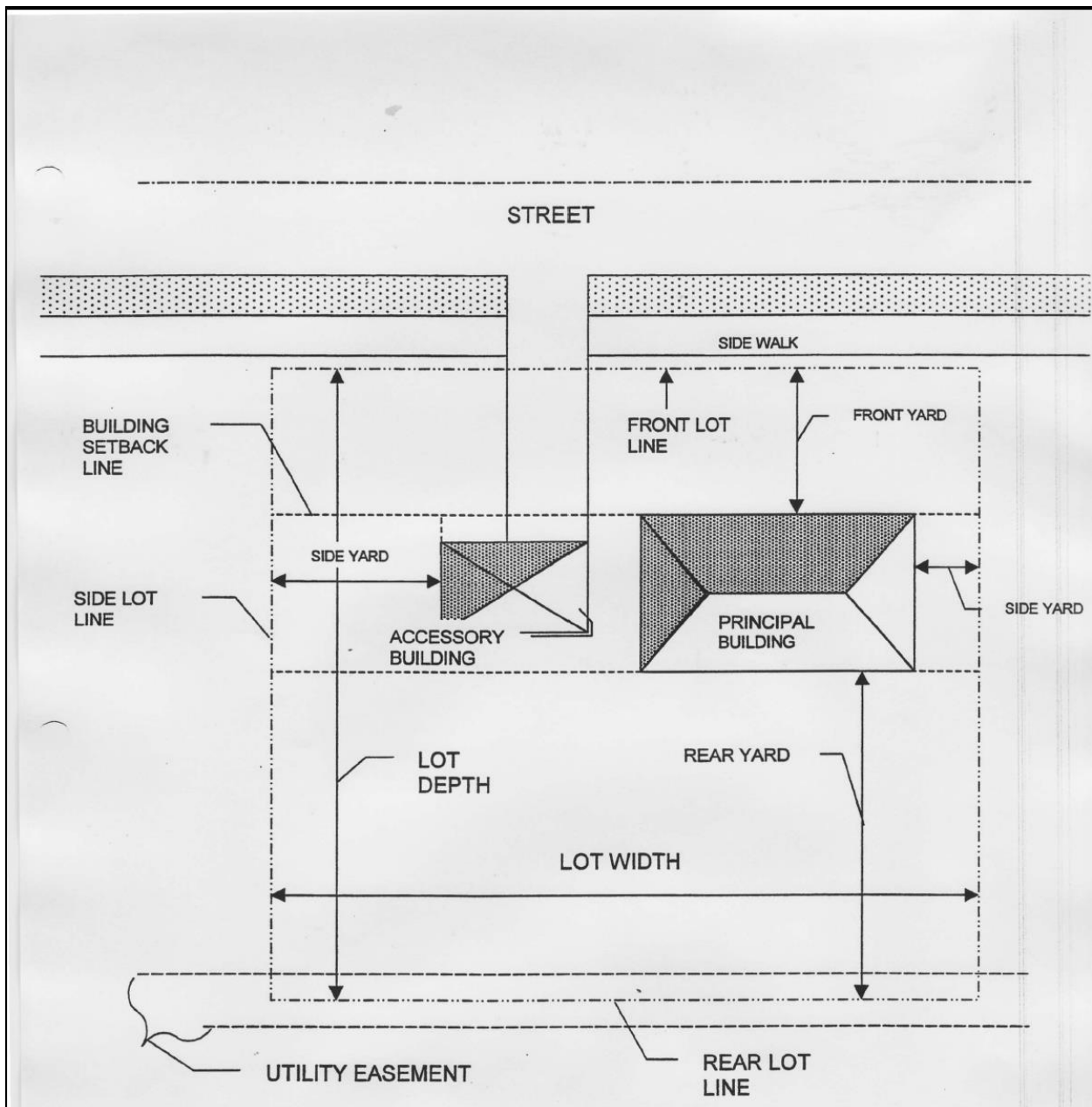
### Procedure for Rezoning

1. The owner or his/her agent petitions to have their property rezoned and pay the required fee. The fee amount shall be on file in the Office of the Finance Officer.
2. The Planning Commission must hold a public hearing on the rezoning request. At least fifteen (15) days before the Planning Commission public hearing, the Zoning Administrator publishes a notice of the hearing in the City's newspapers.
3. Planning Commission hearing is held; they recommend either approval or disapproval of the rezoning to the City.
4. Notice is given by the City Finance Officer in the newspaper once a week for at least two (2) successive weeks before a hearing of the City Commission.
5. Abutting landowners must be notified by certified or registered mail at least seven (7) days before the hearing, that a hearing will take place concerning rezoning of the property by the City Commission.\* The individual landowner is responsible for notifying all abutting landowners.
6. Commissioners hold hearing, take action. If approved it becomes effective twenty (20) days after a summary of the action is published in the City's newspapers.
7. The City Finance Officer files the certified copy of any maps or charts with the Register of Deeds.
8. Any changes to zoning district boundaries must be made in accordance with 4.0102, Zoning Map Changes.

**\*IT IS ADVISABLE FOR THE NOTICE TO LIST BOTH THE PLANNING COMMISSION MEETING DATE AND THE REQUIRED CITY COMMISSION MEETING DATES. THIS WAY, IF THERE IS ANY OPPOSITION, IT WILL SURFACE AT THE PLANNING COMMISSION LEVEL AND MAY EFFECT THEIR (PLANNING COMMISSION) RECOMMENDATION TO THE FULL BOARD OF CITY COMMISSIONERS.**

**IT IS ALSO TO BE NOTED THAT THE LANDOWNER REQUESTING AN AREA REZONED OR A SUBDIVISION BUILT IS RESPONSIBLE FOR GETTING THE PLAT PREPARED (WHETHER BY AN ENGINEER OR OTHER SERVICE), PAYING FOR THE PLAT INFORMATION, AND TURNING THE APPROPRIATE PLAT DOCUMENTS OVER TO THE CITY TO BE FILED.**

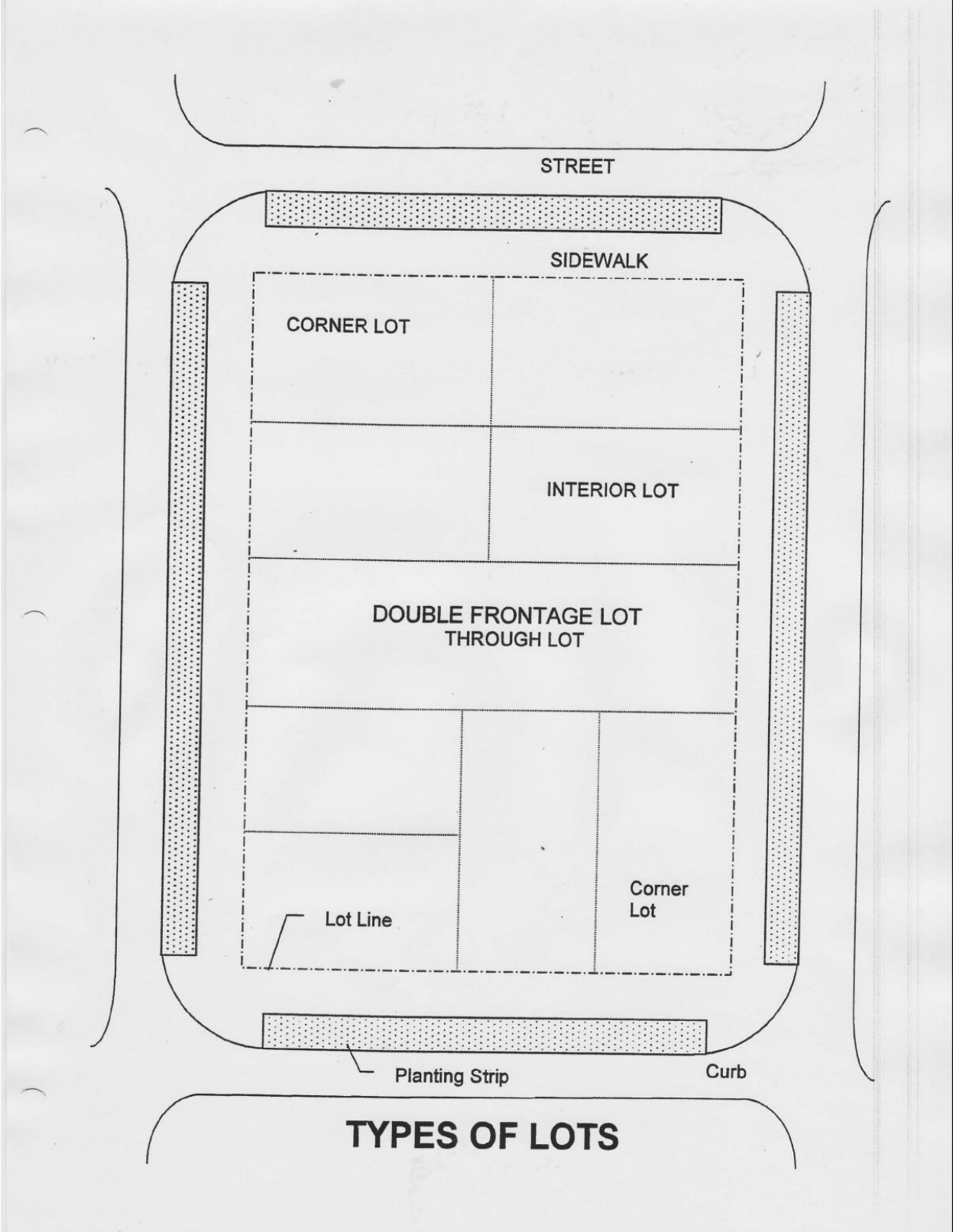
**APPENDIX H**  
**LOT TERMS AND DESCRIPTIONS**



LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT  
OCCUPIED BY BUILDING

# LOT TERMS



**APPENDIX I**

**THE OFFICIAL ZONING MAP IS LOCATED AT CITY HALL**

## **APPENDIX J**

### **VEHICLE STORAGE YARD REQUIREMENTS**

A Vehicle Storage Yard is a temporary storage yard for storing wrecked, abandoned or dismantled motor vehicles that maybe returned to the owner or sold for recycled metal or parts to a junk and/or salvage yard within sixty (60) days of the towing date, an Vehicle Storage Yard does not include Salvage or Junk Yards.

Vehicle Storage Yards, incident to the operation of an Automotive Tow Business, or any type of auto service, repair, body or dealership may be established within Highway Commercial, Light Industrial, or Heavy Industrial Districts, pursuant to the zoning laws of the City of Mobridge for the storage of vehicles and subject to the following requirements:

1. Any Vehicle Storage Yard located in the Highway Commercial District must have a minimum lot of half (1/2) an acre and shall hold a maximum of ten (10) vehicles. Any business subject to the Vehicle Storage Yard requirements located in the Highway Commercial District that wishes to hold more than ten (10) vehicles shall have a separate, off-site, Vehicle Storage Yard in either the Light Industrial or Heavy Industrial District subject to the applicable requirements. Exceptions will be reviewed for approval by the Planning and Zoning Board.
2. Any Vehicle Storage Yard located in the Light Industrial District or the Heavy Industrial District must have a minimum lot of half (1/2) an acre and shall hold a maximum of twenty (20) vehicles. For each additional half (1/2) an acre added after the first half (1/2) acre, an additional twenty (20) vehicles per half (1/2) acre may be added. Exceptions will be reviewed for approval by the Planning and Zoning Board.
3. Vehicle Storage Yards and the area surrounding the yard shall be kept in compliance with all nuisance and zoning ordinances and shall be regularly maintained.
4. Vehicle Storage Yards located in the Light Industrial or Heavy Industrial Zones shall be completely enclosed by a solid fence having a minimum height of six (6) feet up to a maximum height of eight (8) feet.
5. Vehicle Storage Yards located in the Highway Commercial Zone do not need to be enclosed by a fence. However, if the property owner wishes to enclose a Vehicle Storage Yard located in the Highway Commercial Zone, the fence shall be a minimum height of six (6) feet up to a maximum height of eight (8) feet with a minimum of one (1) side of the fence being chain link leaving the Vehicle Storage Yard open to public view. This, Section 5 of Appendix J, is also subject to Section 10 of Appendix J.
6. Vehicle storage yards shall be used for the temporary storage of vehicles from which major parts have not been removed, and which are capable of being made fully operable or sold to a Salvage or Junk Yard.
7. Vehicle parts shall not be stored, kept or sold within Vehicle Storage Yards.
8. Vehicle parts shall not be taken or sold from vehicles stored within a Vehicle Storage Yard.

9. Vehicles stored in a Vehicle Storage Yard must be parked neatly in rows and meet or exceed all City, County, State and Federal laws governing the same.
10. Any Vehicle Storage Yard located in the Highway Commercial Zone that abuts residentially zoned property shall have a solid fence with a minimum height of six (6) feet up to a maximum height of eight (8) feet along the Vehicle Storage Yard's property line abutting the residentially zoned property.
11. No traffic shall be generated by a tow or vehicle repair business in greater volumes than would normally be expected.
12. No equipment or process shall be used in a tow or vehicle repair business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
13. Vehicle Storage Yards shall comply with all Local, State, and Federal environmental regulations.



## **APPENDIX K - VEHICLE REPAIR BUSINESS REQUIREMENTS**

A Vehicle Repair Business is any land, building, structure, or premises used for repair, alteration, restoration, painting, cleaning, finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles. The term “repairing” shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles. A repair shop does not include a junkyard/salvage yard, an impound lot, or an automobiles gas/service station, or a business whose main income is derived from the sale of vehicles. Parking and/or storage of repairable motor vehicles on property shall not exceed ten (10) spaces per every one thousand square feet of Net Assignable Square Feet (NASF).

Vehicle Repair Businesses, incident to the operation of an automotive repair business, may be established within the following zoned districts: General Commercial, Highway Commercial, Light Industrial, and Heavy Industrial pursuant to the zoning laws of the City of Mobridge for Vehicle Repair Business under the following conditions and requirements:

1. Parking or storage of repairable vehicles on property shall not exceed ten (10) spaced per every one thousand square feet (1000<sup>2</sup>ft.) of Net Assignable Square Feet (NASF).
2. All active outdoor vehicle repair work shall be completed within one (1) year from documented repair estimate or the vehicle shall be removed from the property.  
Temporarily taking the vehicle indoors for repair does not reset the one-year timeframe.
3. All vehicle repair businesses shall comply with the following:
  - a. Shall have a repair or estimate bill per vehicle;
  - b. Only twenty-five percent (25%) of allowable vehicles can remain on the property for a period longer than forty-five (45) days and no vehicle shall remain on property for a period exceeding one (1) year.
4. No abandoned or junk vehicles may be kept on the property as defined under Mobridge Municipality Code 9.12.1.
5. Vehicle repair work shall not include:
  - a. The dismantling or wrecking of any vehicles; or
  - b. The storage or keeping of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.
6. All fluids, including but not limited to, oil, gasoline, transmission flue, windshield washer fluid, hydraulic oil, and brake fluid, as well as batteries from vehicles shall be stored, disposed, or recycled according to state and federal regulations.
7. No traffic shall be generated by such repair businesses in greater volumes than would normally be expected.
8. No equipment or process shall be used in such repair businesses which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.