# Chapter 29

## Zoning

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29.01.00. Purpose. 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”, and 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".

29.01.01. Definitions. 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 USE: A use customarily incidental, appropriate and subordinate to the principle use of land or buildings and located upon the same lot therewith.

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, roofboard, frame, support, fence, or other manmade structure, any such advertising is a structure within the meaning of the word "structure" as used in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See sign.

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: As applied to a building or structure, means a change or rearrangement in the structural parts, or whether by extending on a size or by increasing in height, or the moving from one location or position to another.

AMUSEMENT AND RECREATION ESTABLISHMENTS: Businesses whose primary function is entertainment, such as theaters, billiard halls, etc.

APARTMENT HOUSE: See Dwelling, Multiple.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level ‘of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE WRECKING: The dismantling, storage, sale, crushing or dumping of used motor vehicles, trailers, or parts thereof.

AVERAGE GROUND ELEVATION: The elevation of the mean finished ground surface at the front wall of a structure.

BASEMENT: A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a one-half (1/2) story.

BILLBOARD: See Sign.

BOARD: The board of Zoning Adjustment for Edgemont, South Dakota.

BOARDING HOUSE: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals are provided for three (3) or more but not exceeding twelve (12) persons on a weekly or monthly basis.

BUILDABLE AREA OF A LOT: That portion of a lot bounded by the required rear and side yards and front yard or the building set-back line.

BUILDING: Any enclosed structure intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: See Accessory Building.

BUILDING, HEIGHT OF: The vertical distance measured from the average ground elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The inspector or his authorized representative appointed by the governing body to issue building and occupancy permits.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the 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 29.05.02 and 29.05.04. The building set-back line is parallel to or concentric with the street right-of-way.

BUILDING SITE: A single parcel of land under one ownership occupied or intended to be occupied by a building or structure.

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.

CELLAR: A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CLINIC: See Medical Facility.

CLUB, PRIVATE: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, non-profit membership club, with or without dining facilities and cocktail lounge, catering primarily to its membership, providing one or more of the following recreational and social amenities: golfing, riding, outdoor recreation, club house, locker room, pro shop.

DAY NURSERIES, PRIVATE: Any place, home or institution which receives young children, conducted for cultivation of the normal aptitude for exercise, play, observation, imitation and construction.

DESIGN CAPACITY: The maximum number of persons which can be accommodated at any one time with a reasonable degree of comfort, safety, and convenience.

DISTRICT: Any section or sections of the Municipality of the City of Edgemont for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

DUMP: A lot or parcel of land or part thereof used primarily for the d disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

DWELLING, ATTACHED: A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, SEMI-DETACHED: Two dwellings with a single party wall common to both.

DWELLING, SINGLE-FAMILY: A detached building designed to be occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached building designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING, MULTIPLE: A detached building designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING UNIT: One or more rooms and a single kitchen designed: as a unit for occupancy by only one family for cooking, living and sleeping purposes.

ELECTRICAL UTILITY SUBSTATION: An electrical utility facility containing large capacity transformers fed by incoming high voltage transmission lines. Within the facility, voltages are reduced and fed to several distribution circuits that distribute electrical energy to areas with a predominant single use (i.e., industrial, residential, commercial areas).

FAMILY: One or more persons related by blood, marriage, or adoption or a group not to exceed five persons (excluding servants) none of whom are related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

FEED LOT, COMMERCIAL: A lot used for the concentrated feeding of livestock, fowl or fur animals where such feeding is not done as an accessory use to the production of crops on the premises of which the feedlot is a part.

FILLING STATION: See Gasoline Service Station.

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FOOD PROCESSING: The preparation of food products for retail sale on the premises.

FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

FRONTAGE: The commonly accepted front yard of the adjoining structures on that street.

GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed two times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater. Such space shall not be used for storage of more than one commercial vehicle, which shall not exceed one and one-half (l 1/2) tons rated capacity, per family living on the premises, and not to exceed two spaces shall be rented to persons not residing on the premises for storage of non-commercial passenger vehicles only.

GARAGE, PUBLIC: Any garage other than a private garage, available to the public, which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

GOVERNING BODY: The duly elected officials of a corporate political entity to whom authority is given to make, adopt or amend zoning regulations.

GRADE, ESTABLISHED: The elevation of the center line of the streets as officially established.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GASOLINE SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic washing.

HEALTH DEPARTHENT: South Dakota Health Department.

HISTORICAL MONUMENTS AND/OR STRUCTURES: Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

HOME OCCUPATION: A gainful occupation conducted by members of the family only within the dwelling or on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no display except a regulated sign will indicate from the exterior that the building or land is being utilized in part for any purpose other than that of a dwelling.

HOSPITAL: See Medical Facilities.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms usually occupied singly with no provision made for cooking in any individual room or apartment.

HOTEL APARTMENT: An apartment building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartment and which may furnish for the exclusive use of its tenants by previous arrangements and not to anyone who may apply, services ordinarily furnished by such hotels.

HOUSE TRAILER: See Mobile Home.

HOUSE TRAILER PARK: See Mobile Home Park.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition, or for sale of parts thereof.

KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.

KINDERGARTENS: See Day Nurseries, Private.

LOADING SPACE: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

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.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

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

LOT, LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for Building Permit.

LOT LINE, REAR: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.

LOT LINE, SIDE: A side lot line is any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH: The width of a lot at the building set-back line measured at right angles to its depth.

MEDICAL FACILITIES:

- CONVELESCENT, REST, OR NURSING HOME: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

- DENTAL CLINIC OR MEDICAL CLINIC: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

- DENTAL OFFICE OR DOCTORS OFFICE: Same as dental or medical clinic.

- HOSPITAL: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including relating facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

- PUBLIC HEALTH CENTER: A facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

- SANITORIUM: An institution providing health facilities for in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MOBILE HOME: A movable living unit designed for year-around occupancy which: is capable of being towed on its own chassis, is completely finished prior to delivery; and has a manufacturer's serial number which is reported to the County Director of Equalization for tangible personal property taxation differentiating it from other types of dwelling structures. A detachable hitch assembly and/or a perimeter frame or the placement of such a unit upon a permanent foundation shall not be construed as creating a dwelling unit as elsewhere defined in this ordinance.

MOBILE HOME PARK: Any areas, tract or site or plot of land whereupon a minimum of ten (10) 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.

MOBILE HOME SPACE: A plot of ground within a mobile home area which is designed for and designated as the location for only one automobile and one mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the District in which it is situated.

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.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, 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.

PARKING LOT: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six (6) automobiles.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PENTHOUSE: An enclosed structure other than a roof structure, located on a roof, extending not more than twelve (12) feet above the roof.

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

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PUBLIC USES: Public parks, schools, and administrative cultural and service buildings not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation or water.

PUBLIC UTILITY SUBSTATIONS, SERVICE YARDS AND PUMPING STATIONS: Shall include service yards used for the storage of utility supplies and for the servicing of utility vehicle and equipment.

PUMPING STATIONS: See above.

QUARRY: A lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL FACILITIES: Country clubs, riding stables, golf courses, and other private non-commercial recreation areas and facilities, or recreation centers including private swimming pools.

REGULATORY FLOOD: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 50 years determined from an analysis of floods on a particular stream and other streams in the same general region.

REGULATORY FLOOD PROTECTION ELEVATIONS: The elevations to which uses regulated by this ordinance are required to be elevated or flood-proofed.

REQUIRED SETBACK: A distance necessary to obtain the minimum front, side and rear yards required in this ordinance.

ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons. A building which has accommodations for more than twelve (12) persons shall be defined as a hotel under the terms of this ordinance.

SANATORIUM: See Medical Facility.

SANITARY SEWER: A municipal or community sewage disposal system of a type approved by the State Board of Health.

SELF-SERVICE LAUNDRY: A laundry providing home type washing, drying, and ironing machines for hire to be used primarily by the customers on the premises.

SCHOOL, PRIVATE: An institution of learning that is not tax supported, including colleges and universities.

SCHOOL, PUBLIC: A tax supported institution of learning, including colleges and universities.

SERVICE YARDS: See Public Utility Substations.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, works, model, banner, flag, pennant, insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard'" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Types of signs are defined in the following categories:

- BUSINESS SIGN: A sign which directs attention to the business or profession conducted on the premises. A "FOR SALE", "To Let" or "Information" sign shall be deemed a business sign.

- ADVERTISING SIGN: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

- BILLBOARD: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

- GROUND SIGN: A sign supported by a pole, uprights, or braces on the ground.

- POLE SIGN OR BANJO SIGN: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline filling stations.

- WALL OR FLAT SIGN: Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall, the edges of which do not project more than twelve (12) inches therefrom.

- PROJECTING SIGN: A sign which is attached to the face or outside wall of a building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

- ROOF SIGN: A detached sign erected, constructed, or maintained above the roof of any building.

- MARQUEE SIGN: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy structure that extends beyond the building, building line, or property line.

- TEMPORARY SIGN: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wall board, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

- ERECT: When used in connection with signs shall mean to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.

SORORITY: See Fraternity.

STAFF DOCTOR: A doctor employed by a hospital, clinic, or other institution; or a doctor who is "on call" to such institution during certain specified periods of time in case of emergency or other need.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

STREET LINE: The legal line between street right-of-way and abutting property.

STRUCTURE: Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, platforms, radio and television towers, sheds, storage bins, fences and display signs.

THEATER, MOVING PICTURE: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats**.**

TOURIST CABIN: See Hotel.

TOURIST COURT: See Hotel.

TOURIST HOME: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

TRAILER: See Mobile Home.

TRAILER COURT: See Mobile Home Park.

TRAILER HAULING: A vehicle which is designed for hauling animals, produce, goods, or commodities, including boats, said vehicle to be pulled behind an automobile or truck.

TRAILER, TRAVEL OR CAMPING: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

TRAVEL PARK: Is defined as a plot of ground primarily for use as parking and camping facilities by persons with transportable recreational housing with appropriate accessory uses.

UNIFORM BUILDING CODES: The Uniform Building Code, as officially adopted by The City of Edgemont.

USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

UTILITIES: Municipal and franchised utilities.

WAY: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WALKWAY: A path or area for pedestrians.

YARD: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance that 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.

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 line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR: A space on the same lot with the principal building, between the rear line of the building and the rear line of the lot and extending the full width of the lot, which is unoccupied except for permitted accessory structures.

YARD, SIDE: An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING DISTRICT: See District.

### 29.02.00. Zoning Districts and Maps.

29.02.01. Establishments of Zoning Districts. For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, Edgemont, South Dakota is hereby divided into districts of eight different types, each being of such number, shape, kind, and area, and such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purpose of this ordinance.

29.02.02. Zoning Map.

TYPES OF DISTRICTS

RA - Residential 'A'

RB - Residential 'B'

GC - General Commercial

HS - Highway Service

GI - General Industrial

NS - Natural Conservation District

FP - Flood Plain

NU - No Use District

The location and boundaries of the zoning districts established by this ordinance are denoted and defined as shown in the map entitled "Zoning Map I” of the City of Edgemont, South Dakota", adopted March 17, 1980, and certified (by the City Finance Officer). The said map, together with everything shown thereon, is hereby incorporated into this ordinance as is fully set forth and described herein. The zoning map shall be kept and maintained at City Hall and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

29.02.03. Scope of Regulations. The regulations applying to each district include specific limitation on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimension, and area of lot that can be covered by structures.

29.02.04. Rules for Interpretation of District Boundaries. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys.
2. Boundaries shown as following or approximate by following platted lot lines or other property lines, such lines shall be construed to be said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the center **l**ine of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses and the said boundaries shall be deemed to be at the limit of the jurisdiction of the City unless otherwise indicated.
5. Boundaries shown as following or closely following the limits of political jurisdictions shall be construed as following such limits.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive districts shall govern the entire parcel in question, unless otherwise determined by the governing body.
7. Whenever any street, alley, or other public easement is vacated the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

### 29.03.00. District Regulations.

29.03.01. Residential 'A' District (RA).

29.03.01.01. General Description. This District is to provide for residential development. The principal uses of land range from residences to uses which are functionally compatible with residential uses. Recreational, religious educational facilities, and other related uses in keeping with the residential character of the District may be permitted on review 'by the governing body.

29.03.01.02. Permitted Principal and Accessory Uses and Structures. Property and building in the Residential 'A' (RA) area shall be used only for the following purposes:

1. Detached single-family dwellings but not including mobile homes.
2. Two-family dwellings.
3. Temporary buildings for uses incidental to construction work, which building" shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
4. Transportation and utility easements, alleys, and rights-of-way.
5. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
6. Signs, as regulated in 29.04.08

29.03.01.03. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.05.

1. Churches or similar places of worship, with accessory structures but not including missions or revival tents.
2. Elementary or high schools, public or private.
3. Public parks, playgrounds and playfields, greenways and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
4. Libraries, museums, and historical monuments or structures.
5. Public utilities, sub-stations and pumping stations, subject to 29.06.05
6. Plant nursery in which no building or structure is maintained in connection therewith.
7. Golf course, or country clubs, with adjoining grounds of not less than sixty (60) acres, but not including miniature courses and driving tees operated for commercial purposes.
8. Fraternities, sororities, and denominational student headquarters.
9. Nursing home or home for the aged.
10. Medical facility, except veterinary hospital or clinic.
11. Home occupations as regulated in 29.04.10.
12. Private day-care nurseries and kindergartens, as regulated in 29.04.09.
13. A planned residential development as regulated in 29.04.00.01.

29.03.01.04. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following line requirements:

1. Front Yard.

a. For single, two-family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located to extend into the front yard.

b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of twenty-five (25) feet.

2. Side Yard.

a. For single story dwellings, located on interior lots, side yards shall not be less than eight (8) feet in width, however, the sum of the two side yards shall not be less than twenty (20) feet. For dwellings of more than one (1) story, there shall be side yards of not less than twelve (12) feet.

b. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.

c. Churches and other main and accessory buildings, other than dwelling, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard.

a. For main buildings, there shall be a rear yard of not less than twenty-five (25) feet.

b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

4. Lot Width.

a. For single family dwellings there shall be a minimum lot width of fifty (50) feet at the front building line.

b. For two-family dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line.

c. For lots having a width of not more than one-hundred and fifty (150) feet, the lot length shall be not greater than twice the lot width.

5. Intensity of Use.

a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet.

b. For each two-family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.

c. For those single-family dwellings and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of fifteen thousand (15,000) Square feet; however, the Health Department may, because of an adequate soil percolation test, permit a lesser area, but in no case less than seventy-five hundred (7,500) square feet.

d. For churches and other main and accessory buildings, other than (dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in 29.04.05, provided, however, that the lot for a church shall not be less than thirty thousand (30,000) square feet.

29.03.01.05. Maximum Lot Coverage. Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

29.03.01.06. Height Regulations. No main building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in 29.04.03.

29.03.01.07. Off-Street Parking. As regulated in 29.04.05.

### 29.03.02. Residential 'B' District (RB).

29.03.02.00. General Description- This District is to provide for less restrictive residential development than that zone called RA. The principal uses of land range from residences and mobile homes to uses which are functionally compatible with intensive residential uses. Recreational, religious, education facilities and other related uses in keeping with the residential character of the District may be permitted on review by the governing body.

29.03.02.01. Permitted Principal and Accessory Uses and Structures. Property and buildings in the Residential 'B' District shall be used only for the following purposes:

1. Detached single-family dwellings.

2. Trailer houses and mobile homes must meet requirements in Chapter 301 of this code. Mobile home sub-divisions as regulated in 29.04.01.02.

4. Two-family and multiple dwellings.

5. Rooming and boarding houses.

6. 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.

7. Transportation and utility easements, alleys and rights-of-way.

8. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.

9. Signs, as regulated in 29.04.08.

10. Medical facilities.

29.03.02.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.01.02.

1. Churches or similar places of worship, with accessory structures but not including missions or revival tents.

2. Elementary or high schools, public or private.

3. Public parks, playgrounds and playfields and neighborhood, and municipal buildings and uses in keeping with the character and requirements of the District.

4. Libraries, museums and historical monuments or structures.

5. Public utilities sub-stations and pumping stations subject to 29.04.01.04.

6. Plant nursery in which no building or structure is maintained in connection therewith.

7. Golf courses or country clubs with adjoining grounds of not less than sixty (60) acres but not including miniature courses and driving tees operated for commercial purposes.

8. Cemeteries.

9. Fraternities, sororities and denominational student head-quarters.

10. Mobile home parks, subject to the requirements set forth in Chapter 30 of this code.

11. Nursing home or home for the aged.

12. Home occupations as regulated in 29.04.10.

13. Private day care nurseries and kindergartens, as regulated in 29.04.01.04.

14. A planned residential development as regulated in 29.04.01.00.

15. Single family attached dwellings and single family semi-detached dwellings as regulated in 29.04.01.01.

29.03.02.03. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following line requirements:

1. .Front Yard.

a. For single, two-family and multiple family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located to (extend into the front yard.

b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of twenty-five (25) feet.

2. Side Yard.

a. For single story dwellings, located on interior lots, side yards shall be not less than five (5) feet in width. For single story dwellings located on interior lots platted after the date of adoption of this ordinance, side yards shall not be less than eight (8) feet in width, however, the sum of the two side yards shall not be less than twenty (20) feet.

b. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet.

c. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard.

a. For main buildings, there shall be a rear yard of not less than twenty-five (25) feet.

b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

4. Lot Width.

a. For single family detached dwellings there shall be a minimum lot width of fifty (50) feet at the front building line.

b. For two-family dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line.

c. For multiple-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line.

5. Intensity of Use.

a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet.

b. For each two family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.

c. For multiple-family structures, there shall be a lot area of not less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit, and in no case shall there be less than two thousand (2,000) square feet per dwelling unit. For those structures which provide off-street parking within the main structure, the lot area requirements may be reduced two hundred (200) square feet per dwelling unit.

d. For those single-family dwellings end building accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of fifteen thousand (15,000) square feet; however, the Health Department may, because of an adequate soil percolation test, permit a lesser area, but in no case less than seven thousand five hundred (7,500) square feet.

Multiple-family dwellings, not served by a sanitary sewer system shall be permitted only on review by the Common Council and with approval of the Health Department.

e. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in 29.04.05; provided, however, that the lot for a church shall hot be less than thirty thousand (30,000) square feet.

6. Maximum Lot Coverage. Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

7. Usable Open Space. For multiple-family structures there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet. Open space does not include drives, parking and service areas.

8. Height Regulations. No main building shall exceed four and one-half (4 1/2) stories or forty-five (45) feet in height, except as provided in 29.04.03. Accessory buildings shall not exceed fifteen (15) feet in height.

9. Off-Street Parking. As regulated in 29.04.05.

### 29.03.03. General Commercial District (GC).

29.03.03.00. General Description. This commercial district is for personal and business services and general business activity in the historical business center.

29.03.03.01. Uses Permitted. The following uses shall be permitted in the General Commercial District:

1. Retail establishments including incidental manufacturing of goods for sale at retail on the premises, provided, however, that the space devoted to manufacturing does not exceed twenty (20) percent of the gross floor area of the establishment sales and display rooms and lots, not including yards for storage of new or used building materials or yards for any scrap of new or used building materials or yards for any scrap or salvage or secondhand materials. The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted.

2. Eating and drinking establishments, except drive-in establishments.

3. Service and repair establishments, including filling stations.

4. Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, medical and/or dental clinics or offices, pressing, dressmaking, tailoring and garment repair shops with processing on the premises.

5. Hotel, motels, rooming and boarding houses.

6. Commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms, amusements and recreation establishments, but not including miniature golf courses, driving ranges and similar uses provided such structures meet city statutes concerning public health, fire codes, morality codes and all current building codes.

7. Parking lots and garages.

8. Offices, studios, human health service clinics and laboratories.

9. Financial institutions.

10. Private clubs and lodges.

11. Outdoor advertising as regulated in 29.04.09.

12. Auditoriums provided such structures meet city statutes concerning public health, fire codes, morality codes and all current building codes.

13. Public or municipal swimming pools as subject to 29.04.13.

14. Laboratories and establishments for production and repair of jewelry, eye-glasses, hearing aids and prosthetic appliances.

15. Public buildings and grounds other than elementary or high schools.

16. Churches.

17. Business and vocational schools not involving operations of an industrial character.

18. Public parks.

19. Wholesale and distributing centers not involving the use of any delivery vehicle rated at more than two and one half (2 1/2) ton capacity, nor a total of more than five (5) delivery vehicles.

20. On the same premises, and in connection with permitted principal uses and structures, other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures.

21. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, dust, odor, vibration, blast, traffic than those permitted uses enumerated above.

22. Dwelling units will not be allowed in multi-storied structures wherein the street or ground floor level is occupied by one of the permitted retail or business services enumerated above, or unless occupied at time of passage and dwelling meets all codes. No second story residences will be permitted.

29.03.03.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with the provisions .contained in 29.04.01

1. Electrical receiving or transforming stations.

2. Public utility substations, service yards and pumping stations subject to 29.04.01.04

29.03.03.03. Area Regulations. The following requirements shall apply to all uses permitted in this district:

1. Front Yard: None

2. Side Yard: (No side yard is required except that the width of a side yard which abuts a residential district shall be not less than twenty-five (25) feet.

3. Rear Yard: Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen (15) feet. In all other cases no rear yard is required.

4. Maximum Lot Coverage: Main and accessory building shall cover not more than eighty (80) percent of the lot area.

29.03.03.04. Height Regulations. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as provided in 29.04.03.

29.03.03.05. Off-Street Parking. For permitted retail, business and personal services establishments, no off-street parking requirements.

### 29.03.04. Highway Service District (HS).

29.03.04.00. General Description. This District is established for the accommodation of those herein specified retail and business service activities that typically may be located and grouped along a major street or about a major street intersection.

29.03.04.01. Uses Permitted. The following uses shall be permitted in the Highway Service District:

1. Motels.

2. Restaurants and eating establishments, including drive-ins.

3. Service stations and garages for running repairs.

4. Souvenir shops and curio shops.

5. Building material sales.

6. Garden centers, greenhouses and nurseries.

7. New and used car and truck sales.

8. Farm implement and machinery, new and used sales.

9. Financial institutions.

10. Churches.

11. Truck, trailer for hauling, rental and sales, U-Haul type.

12. Motorcycle sales, repair and services.

13. Monument sales.

14. Animal hospitals, kennels and pet shops.

15. Sales of prefabricated and shell houses.

16. Auction houses.

17. Mobile home sales and service.

18. Taxidermists.

19. Undertaking establishments and funeral homes.

20. Outdoor advertising as regulated in 29.04.08.

21. Recreational uses such as amusement parks, bowling alleys and ice and roller skating rinks.

22. Archery ranges, miniature golf driving ranges, and other similar outdoor recreational uses.

23. Public Parks.

24. Open storage uses which shall comply with the following provisions:

a. Allopen storage and display of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height.

b. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.

c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

d. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

e. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

25. Other uses similar in character to those enumerated above and which in the opinion of the governing body will not be injurious to the District.

26. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce noise, dust, odor, or vibration.

29.03.04.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body.

1. Travel parks subject to 29.04.01.08.

2. Mobile home parks, subject to the requirements set forth in Chapter 30.

3. Lot Area: There shall be a lot area of not less than ten thousand (10,000) square feet.

4. Front Yard: All lots fronting on an arterial street shall have a building set-back of not less than thirty-five (35) feet from the lot line.

5. Rear Yard: Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a street or a residential district shall not be less than fifty (50) feet.

6. Lot Width: Each lot shall have a width at the front building line of not less than seventy-five (75) feet.

7. Maximum Lot Coverage: The maximum lot area which may be covered by any principal and accessory building shall not exceed forty (40) percent.

29.03.04.03. Height Restrictions. No principal building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as provided in 29.04.03.No accessory building or structure shall exceed one (1) story or twenty (20) feet in height.

29.03.04.04. Off-Street Parking: As regulated in 29.04.05.

29.03.05.00. General Industrial District (GI).

29.03.05.01. General Description. The GI-General Industrial District is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution in which operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building.

29.03.05.02. Uses Permitted. Property and buildings in the GI -General Industrial District shall be used only for the following purposes:

1. A retail or service use only when it directly serves or is auxiliary to the needs of industrial. plants or employees thereof.

2. No residential use, except sleeping facilities required for caretaker or night watchman employed on the premises shall be permitted in the GI-General Industrial District.

3. Business sign as regulated in 29.04.08.

4. Building material sales yard and lumber yards, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or a transit mix plant.

5. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

6. Freighting or trucking yard or terminal.

7. Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber; open storage of construction contractor's equipment and supplies shall be screened by seven (7) foot obscuring fence, wall, or mass plantings, or otherwise so located as not to be obnoxious to the orderly appearance of the District.

8. Public utility sub-stations, service yards and pumping stations, electrical receiving or transforming station, subject to 29.04.01.04.

9. Auction house, except for sale of livestock.

10. The following uses when conducted within a completely enclosed building:

a. The manufacturer, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

b. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill),yarn, and paint not involving a boiling process.

c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity, gas or oil.

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

e. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

g. The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing.

h. Blacksmith shop and machine shop.

i. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

j. Planing mill.

k. Wholesale or warehouse enterprise.

11. Buildings structures and uses accessory and customarily incidental to any of the above uses.

29.03.05.03. Uses Permitted on Review. All of the following uses are declared to be special uses and a Use Permit may be authorized by the governing body for the location and operation thereof in the GI-General Industrial District in accordance with 29.06.01.01. In general, these uses which may be obnoxious or offensive by the reason of emission of odor, dust, smoke, gas, noise, vibration, and the like and not allowed in any other district, provided, however, that any use not specified herein shall be approved by the governing body.

a. Acid Manufacture.

b: Blast furnace or coke oven.

c. Cement, lime, gypsum or plaster of paris manufacture.

d. Distillation of bones.

e. Drop forge industries manufacturing forging with power hammers.

f. Explosives, manufacture or storage.

g. Fat rendering, except as an incidental use.

h. Fertilizer Manufacture.

i. Garbage, offal or dead animals, reduction or dumping.

j, Glue manufacture.

k. Ore reduction.

l.Paper and pulp manufacture.

m. Processing of junk (junk yard), waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in 29.04.

n. Refuse dumps.

o. Rock, sand or gravel or earth excavation, crushing or distribution.

p. Saw mill.

q. Slaughter of animals including poultry killing or dressing.

r. Smelting of tin, copper, zinc, or iron ores.

s. Stock yards or feeding pens.

t. Tannery or the curing or storage of raw hides.

u. Acetylene gas manufacture or bulk storage.

v. Business sign as regulated in 29.04.08.

w. Alcohol manufacture.

x. Ammonia, bleaching powder or chlorine manufacture.

y. A retail or service use only when it serves directly or is auxiliary to the needs of industrial plants or employees thereof.

z. Asphalt manufacture or refining.

aa. Boiler works.

bb. Brick, tile or terra cotta manufacture.

cc. Chemical manufacture.

dd. Concrete or cement products manufacture.

ee. Freight, terminal (railroad).

ff. Iron, steel, brass or copper foundry or fabrication plant.

gg. Paint, oil, shellac, turpentine, varnish, or enamel manufacture

hh. Plastic manufacture.

ii. Power Plant.

jj. Quarry or stone mill.

kk. Railroad repair shops.

ll. Rolling mills.

mm. Soap manufacture.

nn. Tar distillation or tar products manufacture.

00. Tank storage of bulk oil and gasoline and the mixture of bulk storage of illuminating or heating gas, subject to the proper precautions as to location to prevent fire and explosion hazards.

29.03.05.04. Area Regulations. The following requirements shall apply to all uses permitted in this District:

1. Lot Area: Any principal use together with all accessory uses shall be located on a lot having a minimum area of ten thousand (10,000) square feet.
2. Front Yard: All buildings shall be set back from all street right-of-way lines not less than twenty-five (25) feet.
3. Side Yard: No building shall be located closer than twenty-five (25) feet to a side yard lot line. The width of a side yard which abuts a residential district shall be not less than fifty (50) feet.
4. Rear Yard: No building shall be located closer than twenty-five (25) feet to the rear lot line. The depth of a rear yard which abuts on a residential district shall be not less than fifty (50) feet.
5. Coverage: Main and accessory buildings and off-street parking and loading facilities shall not cover more than seventy-five (75) percent of the lot area.
6. Height Regulations: No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as hereinafter provided in 29.04.03.
7. Minimum Off-Street Parking and Loading Requirements: As regulated in 29.04.05 and 29.04.07.
8. Screening and Landscaping: All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

29.03.06.00. Natural Conservation District (NS).

29.03.06.01. General Description. This district is intended to protect agricultural lands and to preserve the natural beauty and open character of forested and other natural growth areas from incompatible land uses.

29.03.06.02. Permitted Principal and Accessory uses and Structures. Property and buildings in the NS -Natural Conservation District shall be used for the following purposes:

1. Agricultural uses such as general farming, pasture, grazing, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, including roadside stands exclusively for the sale of produce raised on the premises, but excluding commercial feed lots.
2. Detached single-family dwellings but not including trailer houses or mobile homes.
3. Transportation and utility easements, alley and right-of-ways.
4. Signs, as regulated in 29.04.08.
5. Accessory uses and structures.

29.03.06.03. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.01.01.

1. Public parks, schools, playgrounds, fairgrounds, airports, and cemeteries.
2. Uses such as churches and other religious structures.
3. Historical monuments or structures, private clubs and country clubs.
4. Home occupations, as regulated by 29.04.10
5. Plant nurseries in which no building or structure is connected therewith.
6. Commercial recreation, such as riding stables, golf driving ranges and other track and field uses not involving a major structure.
7. Travel trailer parks.

29.03.06.04. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

1. Front Yard: For all structures, the minimum depth of the front yard shall be fifty (50) feet and in no case shall an accessory building be located or extended into the front yard.
2. Side Yard: For a single story dwelling, located on interior lots, side yards shall be not less than thirty (30) feet in width. For dwellings of more than one story, there shall be a side yard requirement of not less than forty (40) feet.
3. Rear Yard: For main buildings there shall be a rear yard of not less than fifty (50) feet.
4. Unattached buildings of accessory use shall not be located closer to any rear lot line than twenty (20) feet.
5. Lot Width: For all dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line. Such lot shall abut on a public street for a distance of not less than fifty (50) feet.

29.03.06.05. Intensity of Use. For each dwelling or structure, and building accessory thereto, there shall be a lot area of not less than three (3) acres.

29.03.06.06. Maximum Lot Coverage. Dwellings and building accessory thereto shall cover not more than twenty-five (25) percent of the lot area.

29.03.06.07. Height Regulations. No main building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in 29.04.03. Accessory buildings shall not exceed fifteen (15) feet in height.

29.03.06.08. Off-Street Parking. As regulated in 29.04.05.

29.03.07.00. Flood Plain District (FP). This District is for the protection of drainage ways to permit the unimpeded f1ow of surface run-off without endangering life and health or causing property damage due to flooding. Specific uses and occupancies in the flood plain district are governed by chapter 32.

### 29.03.08.00. No Use District (NU).

29.03.08.01. General Description. This status is applicable to certain lands in which the construction of permanent structures is prohibited pending study and survey of the lands involved by the governing body. The status is a temporary designation for the purpose of permitting proper investigation and study of land uses in lands composing this status. The status may be applied to newly annexed land area and lands rezoned for HS, GC, GI, or TP in which no development has occurred for a specified period after rezoning.

29.03.08.02. Newly Annexed Lands. Lands annexed by the City may be, upon annexation, placed in a 'NU' status until the governing body has completed an investigation and study of proposed land use of the area. Upon the acceptance of a petition for annexation of an area to the City of Edgemont by the governing body, the property owner of such area may request from the governing body an investigation and study, the governing body shall investigate and take action within one hundred twenty (120) days after the effective date of the annexation. In no event shall lands newly annexed to the City be retained in 'NU' status for a period in excess of one year from the effective date of annexation.

29.03.08.03. Land Remaining Undeveloped for Two Years After Business Rezoning. Lands rezoned for HS, GC, GI or TP use after the effective date hereof shall revert to 'NU' status in the event that within two years from the effective date of such zoning: (1) such land is not devoted to permitted uses; or (2) the construction of improvements-for a permitted use has not been commenced as evidenced by the issuance of a building permit and construction pursuant thereto. In the event that land rezoned for HS, GC, GI, or TP use does not revert to the 'NU' status two (2) years from the effective date of zoning for the sole reason that a valid building permit has been issued for the construction of improvements on such land, and such building permit thereafter expires such land shall revert to 'NU' status.

29.03.08.04. Procedure on Reversion. As land reverts to 'NU' status, the governing body shall make an investigation and study of proper land use thereon and shall initiate action within sixty (60) days. In no event shall lands reverting to 'NU' status be retained in this status for a period in excess of one hundred eighty (180) days.

### 29.04.00. Supplementary Regulations applying to a specific, to several or to all districts

29.04.01. Development Standards for Uses Permitted on Review. In order to accomplish the general purpose of this ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such uses cannot definitely be foreseen.

The following uses shall be subject to compliance with the regulations in this section and with the procedure for authorizing uses permitted on review as set forth in 29.06.01.

29.04.01.00. Planned Residential Development.

1. General Descriptions: The regulations established in this subsection are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and the provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified, provided that over-all population densities do not exceed the densities of specific residential districts.

A planned residential development, occupying twenty (20) acres or more, shall be permitted in the Residential A or Residential B districts.

1. Permitted Principal and Accessory Uses and Structures: The following uses are permitted.
   1. Single-family detached dwelling.
   2. Two-family dwelling.
   3. Multiple-family dwelling. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, commercial use and street rights-of-way from the gross development area. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. Where an area of fifty (50) acres or more is being developed, a maximum of twenty (20) percent of the dwellings located within the area included in a single-family residential district may be multiple-dwellings. In all areas under fifty (50) acres, a maximum of fifteen (15) percent of the dwellings may be multiple-family.
   4. Commercial uses. For each one hundred (100) dwelling units in the development plan, one (1) acre may be set aside for the following commercial users:
      1. Food markets including specialty foods such as:
         1. Bakery Goods
         2. Delicatessen goods
         3. Meat Market
      2. Drug stores or fountains including
         1. Book and reading matter
         2. Stationery
         3. Tobacco
         4. Vanity goods.
         5. Pharmacy
      3. Bakeries whose products are sold only at retail and on the premises
      4. Banks.
      5. Barber shops and/or beauty shops
      6. Cleaning and pressing collection stations.
      7. Gift Shops
      8. Self-service laundries
      9. Service or filling stations
      10. Shoe repair and shoeshine services
      11. Professional and business offices
      12. Name plate and sign, as regulated in 29.04.08
      13. Accessory buildings and use customarily incidental to the above uses
   5. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playgrounds, or other public recreational uses. Any structure involved in such uses shall have a twenty-five (25) foot setback from all property lines. The amount of land set aside for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross development area.
   6. Educational uses.
   7. Community facilities uses such as churches and other religious institutions, and non-profit clubs such as country clubs, swimming and/or tennis clubs.
2. Area Regulations. All building set-backs from street right-of-way lines and from the periphery of the project shall be subject to the set-back regulations for comparable land use as set forth in 29.03.02, 29.03.03 & 29.03.04.
3. Population Density. The population density shall not exceed twelve (12) families per gross acre of the entire project.
4. Off-Street Parking. As regulated in 29.04.05.
5. Administrative Procedure for a Planned Residential Development. In addition to the administrative requirements set forth in 29.06 a Planned Residential Development shall not be permitted until the following conditions have been complied with:
   1. A preliminary application shall be filed with the Edgemont City Planning & Zoning Commission for approval and shall be accompanied by an over-all development plan showing the use or uses, dimensions, and locations of proposed sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.
   2. 1) The Planning Commission shall review the conformity of the proposed development and shall recognize principles of civic design, land use planning and site planning. The planning commission may impose conditions regarding layout, circulation, drainage, utilities and performance of the proposed development and may require that appropriate deed restrictions be filed.

2) The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.

3) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.

4) This proposed development may contain commercial and professional uses as an integral part of a residential development. Such uses shall be planned and gauged primarily for the service and convenience of residents and people working within, although not residents of the Planned Development, and shall be authorized only to the extent that such uses are not available to the residents in reasonable proximity.

b) Upon approval by the City Planning Commission, the preliminary application shall be filed with the governing body for their recommendation and approval.

c) A final application shall be submitted to the City Planning Commission and shall be accompanied by a plat of the development and shall show common land, streets, easements and other applicable features required by the ordinance regulating the subdivision of land.

d) Upon the approval by the Planning Commission, the final plat of the development shall be submitted to the Governing body for approval.

e) No building permit shall be issued until a final plat of the proposed development is approved and recorded.

f) Upon the abandonment of a particular project authorized under the section or upon the expiration of three (3) years from the authorization hereunder of a Planned Development which has not by then been completed or commenced and an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be used without such approval for any other lawful purpose permissible within the use, height, and area district in which the Planned Development is located.

29.04.01.01. Single Family Attached: Dwellings and Single Family Semi-Detached Dwellings. Single family attached dwellings and single semi-detached dwellings are permitted in the RB Districts provided each dwelling is located on a separate lot fronting on a street and complies with the following specifications:

1.Development involving new or additional streets, or any public dedication of land, shall be subject to the governing body's review and approval as provided in 29.06.01.

2. Area Regulations:

a. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet.

b. Side Yard: Interior attached dwellings - none required; End dwellings of attached or semi-detached dwellings -Single story- 10 feet; Two story - 12 feet.

29.04.01.02. Mobile Home Subdivision.

1. The following property development standards shall apply for all Mobile home subdivisions and shall be zoned only as Residential B.

a. No parcel of land containing less than five (5) acres may be used for mobile home subdivision.

b. The mobile home subdivision shall be subject to the yard, density and set back provisions of the district in which it is located. All lots in the mobile home subdivision shall have a minimum width of eighty (80) feet and shall have through access from a street having a paved width of at least twenty-four (24) feet.

c. Any mobile home in the subdivision shall be situated on a permanent foundation and all elements contributing to its mobility (under-carriage, wheels, axles and trailer hitch) shall be removed. All such homes shall be connected to public water and sewer systems.

d. Any structure in a mobile home subdivision shall comply with the yard, height, density and parking regulations of the zoning district in which it is located.

e. All mobile homes in mobile home subdivisions shall be classed as permanent structures and hold the same taxing status as those other permanent structures in residential B areas (as real property).

29.04.01.03. Travel Parks.

1. Travel Parks shall be zoned only as zone Residential *B.*

2. Definitions:

a. Travel park is defined as a plot of ground primarily for use as parking and camping facilities by persons with transportable recreational housing with appropriate accessory uses.

b. Recreational housing includes travel trailers, pickup coaches or campers, motor homes, camping trailers, tents and similar forms of readily portable housing or shelter used for recreational purposes. An individual facility of the kind described herein shall hereafter be referred to as "unit".

c. Recreational housing space is defined as the land set aside for the placement of the unit and exclusive use of its occupants and hereafter is referred to as "space".

d. Stand is defined as the area within the space designated and improved for occupancy by the unit.

e. Self-contained unit is defined as a unit which can operate independent of external sewer, water and electric systems, containing a toilet, water storage connected to a kitchen sink and holding facilities for all liquid wastes.

f. Dependent unit is defined as any unit other than a self-contained unit.

3. Property Development Standards: The following property development standards shall apply for all travel parks established after adoption of this article:

a. No parcel of land containing less than five (5) acres and less than twenty-five (25) spaces available at the time of first occupancy may be used for the purpose permitted as a travel park.

b. A travel park shall be subject to the following density requirement: There shall not be less then fifteen hundred (1,500) square feet of lot area for each space provided in the travel park, provided that maximum density shall not exceed twenty (20) spaces per acre within the travel park.

c. The travel parks shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.

d. Yards adjacent to public streets shall be a minimum of twenty-five (25) feet in depth. Yards adjacent to property outside the travel park without an intervening street or other permanent open space shall be at least seventy-five (75) feet in width provided, however, that this open space requirement may be reduced to a minimum of twenty-five (25) feet upon adequate fencing and vegetative screening to protect occupants of adjoining properties from adverse influences within the travel park. All yards shall be landscaped and maintained.

e. Internal streets shall provide safe and convenient access to the spaces in appropriate travel park facilities. Alignment and grade shall be properly adapted to topography. Construction and maintenance shall provide a smooth, hard, dense, dust-proof, well-drained surface. Such roadway shall be of adequate width to accommodate anticipated traffic and shall meet the following minimum requirements: Entrance and all two-way roads (no parking): Twenty-five (25) feet One-way (no parking): Twelve (12) feet.

f. Pedestrian walkways. Streets serving less than twenty-five (25) spaces may be used as part of the pedestrian circulation system. Elsewhere, if the relation of space locations to facilities within the campground necessitates such, pedestrian ways shall be provided, preferably as part of a common open space system away from streets, but otherwise as sidewalks, according to minimum City Code requirements. Access for pedestrians entering or leaving a travel park shall be by safe and convenient routes. Such access need not be adjacent to or in the vicinity of vehicular access points. Where there are crossings of roads for pedestrians at the edge of the travel park, they shall be safely located, marked and controlled where necessary. Adequate provisions shall be made for mutual visibility of drivers and persons crossing at such points.

g. Recreation area. Not less than ten (10) percent of the area of the travel park shall be devoted to recreation area. Such recreation area may include space for common walkways and related landscaping in block interiors, provided that such common open space is at least twenty (20) feet in width, as passive recreation space, but shall include at least half of the total required recreation area in facilities for active recreation, such as swimming pools, ball fields, shuffleboard courts, play lots for small children, etc., of a nature designed to serve the type of campers anticipated, and so located as to be readily available from all spaces free from traffic hazards.

h. Spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space, and where there are obstacles within potential maneuvering areas which might not be seen by a driver, the limits of the safe area shall be indicated in a manner clearly visible to the driver and ground blocks may be required to prevent backing into obstacles. That spaces be numbered to facilitate location by emergency vehicles.

Where reasonably possible without excessive destruction of trees or other vegetation, particularly in campgrounds or portions of campgrounds intended for use by travel trailers, preference shall be given to a pull-through arrangement, so that no backing is necessary. Where spaces are to be used exclusively for erection of tents on the ground, it shall not be required to provide for vehicular access onto such spaces, but parking areas shall be provided within one hundred (100) feet thereof. No minimum dimensions are specified for spaces, but each shall provide a stand (unless used exclusively for erection of tents with no vehicles permitted) and the clearances and open spaces specified herein and the boundaries of each stand and space shall be clearly indicated. Spaces for dependent units shall be located within at least three hundred (300) feet by normal pedestrian routes of toilet, washroom and bath facilities. Spaces for self-contained units operation as such may be located more than three hundred (300) feet but not more than five hundred (500) feet by normal pedestrian routes of toilet, washroom and bath facilities.

i. Stands. Stands shall be of such size and be so located and improved in the spaces as to provide for the types of units which are intended to use them. Thus, where use by wheeled units is intended, vehicular access must be provided to the stand. If use is to be restricted to tents to be erected on the ground, the stand shall have a level surface suitable for erection of a tent, free of rocks, roots or other impediments to the driving of pegs to the depth of at least eight (8) inches, and graded and drained to prevent flow of surface water into or under tents erected on it. Stands for wheeled units shall provide a smooth hard, dense, well-drained, dust-free surface level or of a grade not to exceed five (5) percent. Stands shall be so located that when used clearances from units, including attached awnings and the like shall be as follows:

(1) From units of adjoining stands –15 feet

(2) From common walkways, internal streets or parking areas -- 15 feet

(3) From portions of buildings containing uses which would be disturbing to stand occupants -- 25 feet

Within each space there shall be provided a living area suitably located and improved for outdoor use by occupants of units not to be occupied by units or towing vehicles, such space to be at least ten (10) feet minimum dimension and two hundred (200) square feet in area and so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.

j. Parking - No parking shall be permitted upon the internal streets of the travel park and vehicle parking space shall be provided within each space or where tent facilities are utilized within a common area.

k. Electrical hook-ups. Each space shall be equipped with one (1) electrical hook-up, one hundred twenty (120) volts, thirty (30) ampere with ground on conduit support. All electrical lines shall be installed underground. Electric hook-ups must meet the standards

of the National Fire Protection Association Code 501-D-1971 A110.4-1971 for Recreation Travel Parks.

l. Water connections. Each space shall include one water connection with three-quarter (3/4) inch riser valve and three-quarter (3/4) inch hose bib. All water installations shall conform to the State Plumbing Code and Uniform Building Code as amended. The trailer court water system shall be adequate to provide fifteen (15) pounds per square inch of pressure at all spaces.

m. Sewer hook-ups. A minimum of ten (10) percent of the spaces shall be provided with sewer hook-ups. Such sewer hook-ups shall be installed pursuant to the requirements of the State Plumbing Code and the Uniform Building Code as adopted by the city.

n. Toilet, washroom, bathing facilities. A travel park containing one hundred (100) spaces or less shall provide toilet, washroom, and, bathing facilities of the following minimum:

Men-Four (4) shower stalls, two (2) water closets, three (3) urinals, four (4) lavatories.

Women-Four (4) shower stalls, four (4) water closets, four (4) lavatories.

One (1) additional toilet, lavatory and shower stall shall be provided for each sex for each twenty-five (25) additional spaces and one (1) additional men's urinal for each fifty (50) additional spaces. All such facilities shall be constructed and installed pursuant to city building and state plumbing codes.

o. Service buildings. Each travel park shall be provided with a management office for management of the park and to provide services therefore such office building shall be constructed according to Uniform Building Code requirements. The management office may provide for sale or rental of supplies or for provision of services for satisfaction of daily or frequent needs of campers within the park, including providing groceries, ice, sundries, self-service laundry equipment and the like, but not sale of gasoline to automobiles.

p. Dumping station. Each park shall include a sanitary dumping station to be so located as not to create a traffic hazard on the main or circulating roads, nor to be a health hazard to the occupants of the park. Such dumping station shall be constructed to meet the minimum requirements of the State Plumbing Code, Uniform Building Code and other applicable ordinances and regulations and shall meet the approval of the health department.

q. Fireplaces, etc. Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used as to minimize fire hazards, smoke nuisance within the park and in adjoining areas. Fuels used in outdoor fireplaces and grills must be restricted to gas or charcoal.

4. Permit Required: No travel park shall be operated within the city without first obtaining a permit therefor. Travel parks will be allowed only with the approval of the planning commission and common council. Travel parks will be licensed annually and a fee will be charged. An application for a travel park permit shall be as regulated hereunder. The application for a permit shall be filed with and issued by the building inspection department upon approval of the common council. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the building inspector, the health department and the common council. The application for a permit shall be accompanied by the appropriate fee. The following information shall be shown on the application:

a. Location and legal description of the proposed travel park.

b. Plans and specifications of all buildings, improvements, facilities and spaces constructed or to be constructed within the travel park.

c. Proposed use of buildings and spaces shown on the site.

d. The location and size of all recreational vehicle spaces.

e. Location of all points of entry and exit for motor vehicles and, internal circulation pattern.

f. The location of all landscaping to be provided.

g. The location of all lighting and standards thereof to be provided.

h. Location of all walls and fences indicating height and materials of construction.

i. Name and address of the applicant.

j. Such other architectural and engineering data as may be required to permit the building inspector and common council to determine if the provisions of this article are being complied with. Such permit may be issued prior to construction or completion thereof provided that a time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services and all required improvements and facilities shall be installed within one (1) year.

5. Permit Fee: an annual permit fee shall be required.

29.04.01.04. Other Uses Permitted on Review.

1. Cemetery: Cemeteries shall be permitted in zoned Residential B areas.

a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.

c. All other structures including but not limited to mausoleum permanent monument, or maintenance building shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line. .

d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

e. All required yards shall be landscaped and maintained.

2. Drive-In Theater: Drive-In theaters shall not be allowed in areas zoned RA, RB, OR TP.

a. The site must have direct access to a major public road.

b. In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.

c. The theater screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.

d. Loading space for patrons waiting admission to the theater shall be equal to twenty (20) percent of the capacity of the theater. All entrances and exits shall be separated, and the internal circulation shall be laid out to provide one-way traffic.

e. Sale of refreshments shall be limited to patrons of the theater.

f. No central loudspeakers shall be permitted.

g. All parking areas and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

h. Amusement parks or kiddylands shall be limited to patrons of the theater.

i. The connecting driveways shall be surfaced with permanent paving, maintained in good condition and free of all weeds, dust, trash, and other debris.

3. Public and Private Utilities and Services. Where permitted, public and private utilities and services shall be subject to the following requirements:

a. Health Department Report - Application for permission to operate water works and/or sewage treatment plants shall be accompanied by a report and a recommendation from the Health Department. Such recommendations as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent shall be incorporated into and made a part of the application.

b. Lot Area and Location - The required lot area and location shall be specified as part of the application and shall be determined in relation to the proposed use, the intensity of such use, and the effects of such use upon the environment.

c. Fencing and/or Screening - Where findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding residential properties may ensue, fencing or screening with an evergreen hedge or other shielding material may be required in a manner consistent with such findings.

d. Public Utilities Service Yards - Shall be screened by a seven (7) foot obscuring fence, wall or mass planting, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

1. Private Day Nurseries and Kindergartens. The facilities, operation and maintenance shall meet the requirements of the County and State Health Department.

6. Automobile Wrecking and Junk Yards. Automobile wrecking and junk yards may be located in area zoned GI only.

a. Location - No such operation shall be permitted closer than three hundred (300) feet from any established residential district.

b. Screening- All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall; excepting driveway areas, having a minimum height of eight (8) feet. Storage between the street and cush fence is expressly prohibited. Any fence or wall erected for screening purposes shall be within the buildable area of the lot and shall be properly painted or otherwise maintained in good condition.

c. Off-Street Parking - As regulated in 29.04.05.

d. Ingress and Egress - The number of vehicular access driveways permitted on any single street frontage should be limited to: One (1) driveway where the parcel to be used has a maximum street frontage of one hundred (100) feet or less. Two (2) driveways where the street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width, exclusive of curb returns.

1. Recreational Fads. An application for a permit for recreational fads including trampoline centers, cart tracks, and similar recreational activities not specifically covered by these regulations, shall be reviewed by the governing body, Recreational fads may be located in areas zoned HS or GC only.
2. On-Lot Sewage Disposal Systems. Any use involving a principal structure which is not served by a sanitary sewer, in addition to other requirements, shall have an approved on-lot sewage disposal system shall be approved by the County-State Department of Health. The approval may be made contingent upon an agreement that the structure will be connected to a sanitary sewer when plans indicate that such sewer will be extended or constructed and become available. The approval shall further stipulate an increase in lot size to assure appropriate septic field, drainage and relation to abutting development or any classified stream.

29.04.02.00. Accessory Uses. The uses of land, buildings and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal use permitted in the District.

29.04.02.01. General Provisions. Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.

2. Be subordinate to and serve such principal use.

3. Be subordinate in area, extent and purpose to such principal use.

4. Contribute to the comfort, convenience, or necessity of users of such principal use.

29.04.02.02. Permitted Accessory Structure. Accessory uses shall be permitted as specified above and such accessory uses shall be applicable to the principal use and shall include but not be limited to the following:

1. For dwellings:

a. Shelter to house animal pets, but not exceeding two shelters per dwelling.

b. Children's playhouse and playground equipment.

c. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.

d. Private garage or carport.

e. Private swimming pool and bath house.

f. Shed for the storage of maintenance or recreation equipment used on the premises.

2. For church, chapel, temple or synagogue:

a. Parish house or residence for the clergyman of the congregation.

b. Religious education building.

3. For educational institutions:

a. Convent or lay teacher's quarters.

b. Dormitories.

c. Power or heating plants.

d. Stadiums, gymnasiums, field houses, game courts or fields.

4. For golf and country clubs:

a. Dwelling for caretaker.

b. Maintenance equipment storage shed.

c. Pro shop.

d. Lounge and dining area.

5. For hospitals and health institutions:

a. Staff quarters.

b. Laundry, incidental to the principal use only.

c. Medical and nursing instruction.

d. Chapel.

6. For industrial uses in the industrial district:

a. Offices.

b. Restaurants or cafeterias.

c. First aid clinics or dispensaries.

d. Watchman's quarters.

e. Research or pilot structures.

29.04.03.00. Height. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in 29.03 herein:

1. In measuring heights, a habitable basement or attic shall be counted as a half story.
2. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:
   1. Agricultural buildings - barn, silo, windmill, but not including dwellings.
   2. Chimneys, smokestacks, penthouse, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers.
   3. Radio and television antennas and towers, observation towers, and power transmission towers.
   4. Water tanks and standpipes.
   5. Other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts, in which they are located, provided that they are not used for human occupancy.
3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the District of the minimum depth of the front, side and rear yards required in the District is increased one (1) foot for each two (2) feet by which the height of such public or semi-public, structure exceeds the prescribed height limit.

29.04.04.00. Yard, Building Setback and Open Space Exceptions. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in 29.03 herein:

1. No yard, open space, or lot area required for a building or structure shall during its life, be occupied by any other building or structure except:
   1. Awnings and canopies, as provided for in the Uniform Building Code.
   2. Bay windows and chimneys, not to exceed two (2) feet in depth.
   3. Driveways, curbs, sidewalks and steps, provided, however, front steps or stairs to a dwelling, non-enclosed, not to exceed six (6) feet in depth. Side steps shall meet side yard requirements as set forth in 29.03.
   4. Fences, walls, and hedges, subject to the regulations as set forth in this section.
   5. Flagpole - One (1) flagpole will be permitted.
   6. Garbage disposal equipment, non-permanent.
   7. Landscape features, planting boxes and recreational equipment.
   8. Overhauling roof, eave, gutter, cornice, or other architectural features, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
   9. Parking space subject to the regulations set forth in 29.04.
   10. Signs, subject to the regulations set forth in 29.04.08.
   11. Terraces (open) and porches (non-enclosed) shall be included within and meet set-back requirements as set forth in 29.03.
   12. Trees, shrubs, flowers and other plants subject to the vision requirements in this section.
2. The following regulations provide for the maximum safety of persons using sidewalks and streets, and for the maximum enjoyment of the use of property:
   1. On any corner lot where a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a slight triangle on the area of the lot adjacent to the street intersections.
   2. In any required front yard; except as provided in (a) above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3 ½) feet this does not include single ornamental bushes and shrubs.
3. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.
   1. In residential districts, if twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of a greater depth than fifty (50) feet.
   2. In a residential district, if fifty (50) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback of less than twenty-five (25) feet and no building line varies more than five (5) feet from this average setback line, then a building may be erected observing the average setback so established.
   3. The minimum setback for all yards abutting a city street shall be twenty-five (25) feet or the average setback of all other buildings in the area.
   4. Division of a Lot - No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted.
   5. Dwellings on small lots - Where there are existing recorded lots which do not meet the minimum lot area requirement and are under separate ownership-single family dwellings may be constructed as long as a side yard shall be not less than four (4) feet and the sum of the side yards shall be not less than twelve (12) feet and as long as all other requirements, except lot size, are met.
   6. Principal uses without building - Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtain any other license or permit applicable to that particular use.
   7. No dwelling .shall be erected on a lot which does not abut on at least one (1) street for at least twenty-five (25) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
   8. Attached Garage. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the front lot line.
   9. Accessory buildings shall not be located in any required front yard.
   10. In no event shall more than one (1) dwelling structure be permitted upon a single, standard lot in an RB or RA district. Lots may be combined to provide multiple structures provided all other zoning provisions are herein complied.

29.04.05. Minimum Off-Street Parking Requirements.

29.04.05.01. Off-Street Parking Requirements General. In all districts except the GC General Commercial District, there shall be provided at any time any building or structure is erected to enlarged or increased in capacity, off-street parking space for automobiles in accordance with the following requirements:

1.Off-street parking for other than residential use shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided however, churches may establish joint parking facilities not to exceed fifty (50)percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located no further than four hundred (400) feet from the church sanctuary.

2. Residential off-street parking space shall consist of a parking lot, driveway, garage or combination thereof and shall be located on the lot they are intended to serve.

3. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the governing body.

4. Any area once designated as required off-street parking shall not be hanged to any other use unless and until equal facilities are provided elsewhere.

5. Off-street parking existing at effective, date of these regulations in connection with the operation of an existing, building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

6. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.

7. The required off-street parking shall be for occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited.

8. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the governing body.

9. In cases of dual functioning of off-street parking where operating hours do not overlap, the governing body may grant an exception.

10. The minimum number of off-street parking spaces shall be determined in accordance with the following:

TABLE OF PARKING SPACES REQUIRED

|  |  |  |
| --- | --- | --- |
| Uses |  | Parking Spaces Required |
| Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise |  | One (1) space for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of lot area, or two (2) spaces for each one hundred (100) square feet of the floor area, whichever is greater. |
|  |  |  |
| Banks, business or professional offices |  | One (1) per three hundred (300) square feet of usable floor area plus one (1) for each three employees. |
|  |  |  |
| Barber shop or beauty parlor |  | Two (2) per barber or beauty shop chair. |
|  |  |  |
| Boarding or rooming house |  | One (1) space for each three (3) boarders. One (1) for each two (2) guests provided overnight accommodations |
|  |  |  |
| Bowling Alley |  | Five (5) per alley |
|  |  |  |
| Churches |  | One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater. |
|  |  |  |
| Commercial recreation uses |  | One (1) per (3) patrons, based on the design capacity of the facility |
|  |  |  |
| Commercial or trade schools |  | One (1) per (3) students plus two (2) per three (3) employees |
|  |  |  |
| Country Clubs |  | One (1) per five (5) members |
|  |  |  |
| Dormitories, fraternity or sorority |  | One (1) per each (3) permanent residents |
|  |  |  |
| Dwellings (single and two-family) |  | Two (2) per dwelling |
|  |  |  |
| Dwellings (multiple-family) |  | One and one-fourth (1 1/4) spaces per dwelling unit for the first twenty (20) units, plus one (1) space for each dwelling unit exceeding twenty (20) units |
|  |  |  |
| Establishments for sale and consumption, on the premises, of beverages, food, or refreshments |  | One (1) per three (3) employees plus one (1) per one hundred (100) square feet of usable floor space, or one (1) per three (3) fixed seats, whichever is the greater |
|  |  |  |
| Gasoline service stations |  | One d(1) parking space for each employee, plus two (2) spaces for each service bay |
|  |  |  |
| Governmental office buildings |  | One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space |
|  |  |  |
| Homes for the aged, sanatoriums, convalescent or nursing homes |  | One (1) space for each four (4) patient beds; plus one (1) space for each staff doctor, plus one (1) space for each two (2) employees, including nurses |
|  |  |  |
| Hospitals |  | One (1) per three (3) patient beds, exclusive of bassinets, plus one (1) space for each two (2) employees including nurses on the maximum working shift, plus adequate area for parking emergency vehicles |
|  |  |  |
| Hotel |  | One (1) per two (2) rooms or suite, plus two (2) per three (3) employees. |
|  |  |  |
| Hotel (apartment) |  | One (1) parking space for each two (2) individual rooms or apartments |
|  |  |  |
| Industrial establishments |  | One (1) per two (2) employees on the combined two largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the governing body |
|  |  |  |
| Library |  | One (1) for each four hundred (400) square feet of floor space |
|  |  |  |
| Medical clinics |  | Three (3) patient parking spaces per staff doctor; plus two (2) per three (3) other employees |
|  |  |  |
| Mortuaries or funeral parlors |  | Fine (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater |
|  |  |  |
| Motels and tourist courts |  | One (1) per guest bedroom |
|  |  |  |
| Private clubs, lodge, or union headquarters |  | One (1) per three (3) members based on the design capacity of the facility |
|  |  |  |
| Retail stores, supermarkets, department service establishments, except as otherwise specified herein |  | One (1) per one hundred (100) square feet of retail floor space |
|  |  |  |
| Elementary, Junior High, and the equivalent private or parochial schools |  | Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds; plus one (1) space for each one hundred and fifty (150) square feet of seating area including aisles, in any auditorium |
|  |  |  |
| Senior high schools and the equivalent private or parochial schools |  | Two (2) spaces per three (3) teachers and employees normal engaged in or about the building or grounds plus (1) space per five (5) students, or one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is the greater |
|  |  |  |
| Kindergartens, day schools, and the equivalent private or parochial schools |  | Two (2) parking spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils |
|  |  |  |
| Shopping centers |  | There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of store area |
|  |  |  |
| Stadiums and sports |  | One (1) per four (4) seats or twelve (12) feet of benches |
|  |  |  |
| Swimming pools |  | one (1) per thirty (30) square feet of water area |
|  |  |  |
| Theaters, auditoriums, and places of assembly with fixed seats |  | One (1) per three (3) seats |
|  |  |  |
| Theaters, auditoriums, and places of assembly without fixed seats |  | One (1) per three (3) people based on the design capacity of the structure |
|  |  |  |
| Wholesale establishments and business services |  | One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift |

29.04.05.02. Off-Street Parking Lot Layout, Construction and Maintenance. Wherever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following regulations:

1. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

2. Each parking space shall be not less than two hundred (200) square feet in area, and shall be a definitely designated stall adequate for one motor vehicle.

3. In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half (1/2) may be dropped and any fraction of one-half or more shall be counted as one (1) parking space.

4. Clearly defined driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

5. All areas devoted to permanent off-street parking as required under this section shall be of such construction and maintained in such a manner that no dust will result from continuous use.

6. The parking lot shall be drained to eliminate surface water.

7. Where the parking lot abuts side lot lines of a residential district, there shall be established a setback line five (5) feet from such side lot line unless vehicles are restrained by physical barrier from entering contiguous residential lots.

8. Where the parking lot is contiguous to a residential district which has common frontage in the same block with the parking lot, there shall be established a setback line twenty-five (25) feet from the street lot line.

9. Where the parking lot lies across the street and opposite a residential district, wherein the lots front on such street, there shall be established a setback line twenty-five (25) feet from the street lot line.

10. Where the parking lot abuts rear property lines of a residential district, there shall be established a setback line five (5) feet from the rear lot line unless vehicles are restrained by physical barrier from entering contiguous residential lots.

11. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line ten (10) feet from the street lot line. The land between the setback line and the lot line in a parking lot is for the purpose of this Ordinance called a buffer strip. The ground in the front buffer strip shall be prepared and shall be planted with trees, shrubs and grass.

12. Plans for the layout of a parking lot must be approved by the governing body based on design standards approved by the Institute of Traffic Engineers.

13. The governing body shall have the Authority to approve off-street parking in any district which is more restrictive than that required for the major land use it is intended to serve subject to the preceding conditions. The following conditions shall also apply:

a. The parking lot shall not have access from the more restrictive districts.

b. All sides of the lot, except those openings for ingress and egress, shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having the height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition. Bumper stops shall be provided so as to prevent any vehicle from projecting over the buffer strip.

c. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential districts.

d. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

29.04.06. Storage and Parking of Trailers and Commercial Vehicles. Commercial vehicles and trailers of all types, including travel, boat camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. Not more than one commercial vehicle per family living on the premises which does not exceed one and one-half (1 1/2) tons rated capacity, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, hazardous chemicals, radioactive materials or liquefied petroleum products be permitted.
2. Not more than one camper or motor home, and not more than one travel trailer, hauling trailer or boat trailer per family living on the premises shall be permitted, and said vehicle or trailer shall not exceed thirty-three (33) feet in length, or eight (8) feet in width; and, further, provided that said vehicle or trailer shall not be parked or stored for more than two weeks unless it is located behind the front yard building line. A camper, camping or travel trailer shall not be occupied longer than two (2) weeks while it is parked or stored in any area except in a travel trailer court authorized under this Ordinance.

29.04.07. Minimum Off-Street Loading and Unloading Requirements. In all districts, and on the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distributions of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys. Minimum off-street loading and unloading spaces shall be provided as follows:

**1.** One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one additional off-street loading and unloading space for each additional twenty thousand (20, 000) square feet of floor area up to and including one hundred thousand (100,000) square feet.

2. There shall be provided an additional off-street loading and unloading space for each additional forty thousand (40,000) square feet of floor area in excess over one hundred thousand (100,000) square feet.

3. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet by forty (40) feet with a fourteen (14) foot height clearance and shall be designed \with appropriate means of truck access to a street or alley as well as adequate maneuvering area**.**

29.04.08. Signs, Billboards, and Other Advertising Structures. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, to preclude the establishment of structures which could afford hiding places for immoral or criminal activities, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are indicated below. The interpretation of nomenclature in this section shall be as defined in 29.01.

29.04.08.01. General Regulations.In any zoning district where signs are permitted, the following general regulations shall apply:

**1.** No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or devise. No sign shall be erected in any position where it obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.

2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic.

3.No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in residential district unless such sign is not visible from such property. Off premise signs located adjacent to interstate aid primary highways shall not contain, include or be illuminated by any flashing, intermittent or moving light or lights except those giving public service information such as time, temperature, weather or similar information. All such signs shall be effectively shielded to prevent any light from being directed onto the highway and shall not be of such brilliance or intensity as to cause glare on the highway or in any way impair the driver's vision or otherwise interfere with the safe operation of any vehicle.

4.No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

5. No billboard or ground sign shall be erected to exceed thirty-five (35) feet above the ground level or fifty (50) feet in length. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.

6. No roof sign shall be at any point over twenty-four (24) feet above the roof level. Roof signs shall not exceed the height limit of the zoning district.

7. No part of any wall or projecting sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign are architecturally integrated and designed as a unit.

8. Permanent billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side and rear yard requirements of the district in which located. However, no permanent billboard shall be erected or placed closer than within one hundred (100) feet of any residential district. Off premise signs located adjacent to interstate or federal aid primary highways shall be spaced not less than one hundred (100) feet apart. However, this limitation does not apply to signs that are separated by buildings or other obstructions in such a manner that only one sign surface within the above spacing distance is visible from the highway at any one time. All signs located adjacent to interstate or federal aid primary highways shall conform with all state and federal billboard regulations.

9. No advertising sign shall be located in any area designated by the governing body as one of scenic beauty or historical interest.

10. No building walls shall be used for display of advertising, except that pertaining to the use on the premises.

11. Temporary signs shall not be erected or otherwise fixed to any permanent pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of or within any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal or device. Temporary signs may be erected or posted for a period not to exceed thirty (30) days. Any sign posted for a longer period must meet the requirements for permanent signs no temporary sign shall exceed thirty-two (32) square feet in area.

12. A temporary sign shall not be suspended across public streets or other public places, except as permitted by the governing body.

13. No permanent sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs, and directional signs.

14. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk but in no case exceeding ten (10) feet. This regulation does not imply any authority to grant the use of the public domain for private advertising.

15. Pole signs shall be not over thirty (30) square feet in area and shall be located not closer than ten (10) feet to any street right-of-way line and five (5) feet from any other property line.

16. Professional signs for home occupations, where permitted, shall not exceed two (2) square feet in area provided such sign is either a wall or ground sign located not closer than five (5) feet to the street right-of-way line.

17. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message. A sign designed to be viewed from two opposite directions shall be considered as one sign, provided that the two sign faces shall not be more than two (2) feet apart if parallel, nor form an angle of more than ninety (90) degrees if angular. Where more than one (1) sign is permitted on a lot, the net sign area shall be sum of those signs designed to be viewed from one direction, and such signs shall be not less than twenty (20) feet apart.

29.04.08.02 Public-Parks and Recreation Area Regulations.

1. For historical monuments, structures, public parks and/or playgrounds, information signs may be displayed but the total area of each sign shall not exceed nine (9) square feet, and signs may have indirect lighting.

3. Flashing lights or intermittent illumination is prohibited.

29.04.08.03. Residential District Regulations.

1. For single-family, two-family, and multi-family dwellings: Nameplates not to exceed two (2) square feet in area, shall be permitted for each dwelling unit; such nameplates shall indicate nothing other than name and/or address of the occupants, premises, announcement of boarders or customary home occupation.

2. For multiple-family and group dwellings: Identification signs, not to exceed nine (9) square feet in area, shall be permitted; such sign shall be attached flush with the principal building and may have indirect illumination.

3. Announcement of church, school, or public building; Bulletin boards or identification signs, not to exceed twenty (20) square feet in area, shall be permitted; such bulletin boards or identification signs shall indicate nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall be located not closer than one-half (1/2) the required setbacks and may have indirect illumination.

4. Only one sign per street frontage shall be permitted.

5. Flashing lights or intermittent illumination is prohibited.

6. Billboards and other advertising structures are prohibited.

### 29.04.08.04. General Commercial District Regulations.

1. For public recreation uses, community facilities, hospitals, and clinics: Bulletin boards or identification signs shall not exceed twenty (20) square feet in area.

2. For gasoline service stations: Two (2)-pole-signs not exceeding thirty (30) square feet each in surface area and not exceeding thirty five (35) feet above ground level. Other business signs, the aggregate area of which does not exceed two (2) square feet for each one (1) lineal foot of lot adjoining public street.

3. For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows: Business signs not to exceed two (2) square feet of surface for each one (1) lineal foot of lot fronting on a public street, but in no case shall the surface area be limited to less than fifty (50) square feet. All signs shall be mounted either on buildings or on sign display devices affixed permanently to the ground.

### 29.04.08.05. Industrial District Regulations.

1. Business signs not exceeding one (1) square foot per one (1) lineal foot of street frontage. Such sign shall be located not closer than one-half (1/2) the recorded setback from all property lines.

2. Flashing lights or intermittent illumination is prohibited.

3. Billboards and other advertising structures are prohibited.

29.04.08.06. Other Signs Permitted. In any district, the following signs shall be permitted:

1. For each permitted or required parking area that has a capacity of more than four (4) cars, one (1) non-illuminating sign, not more than two (2) square feet in area, designating each entrance to or exit from such parking area; and one (1) non-illuminating sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area.

**2.** One (1) non-illuminated “for sale" or "for rent" sign not exceeding four (4) square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located. A larger sign shall be permitted for two or more lots in single ownership or for properties in excess of one hundred (100) feet in width, provided that the area of such sign shall be increased on a graded scale of one (1) square foot increase in area for each additional five (5) feet of frontage over one hundred (100) feet, but in no case shall the sign exceed in the aggregate two hundred (200) square feet. Such sign shall be a ground or wall sign and located not closer than twenty (20) feet from the street line.

3. For each real estate subdivision that has been approved in accordance with the regulations of the Ordinance, one (1) sign, not over one hundred (100) square feet in area, advertising the sale of property in such subdivision. Such sign shall be permitted only when located on some portion of the subdivision being advertised for sale and shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land is unsold.

4. For construction on or development of a lot, one (1) sign, not more than twelve (12) square feet in area, giving the names of contractors, engineers, or architects, but only during the time that construction or development is actively underway.

5. One (1) sign, not more than four (4) square feet in area, pertaining to the sale of agricultural products raised on the premises except no sign of this type in areas zoned RA, HB or He.

6. Signs established by, or by order of, any governmental agency.

**7.** For special events of public interest, one (1) sign, not over thirty-two (32) square feet in area and located upon the site of the event. Such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than ten (10) days before the event in question and shall be removed immediately after such event.

29.04.08.07. Unsafe e and Unlawful Signs. The following regulations shall apply to unsafe and unlawful signs and for the maintenance of signs: whenever it shall appear to the Building Inspector that any sign has been constructed or erected or is being maintained in violation of the terms of this article, or is unsafe or insecure, such sign shall either be made to conform with all sign regulations as provided by this chapter or shall be removed within ten (10) days after written notification from the Building Inspector. Such sign shall be made to conform or shall be removed by and at the expense of the owner or lessee thereof.

29.04.09. Gasoline Service Stations. The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all right-of-way lines a distance of not less than forty (40) feet.

2. Service stations shall not be constructed closer than fifty (50) feet to any Residential District.

3. The minimum distance between the intersection of right-of-way lines at a corner lot and the driveway to a service station shall be not less than forty (40) feet.

4. A raised curb at least six (6) inches in height shall be constructed on all street property lines, except at driveway openings.

5. The length of curb openings shall not exceed thirty (30) feet.

6. When two curb openings are giving access to a single street, they be separated by an island with a minimum dimension of twenty-five feet at both the edge of the pavement and the right-of-way line. Curb cuts for driveways shall not be located closer than ten (10) feet to any adjoining property line.

7. To insure that sufficient room be provided on either side of the pumps without intruding upon sidewalks or on adjoining property, gasoline pumps shall not be located closer than fifty (50) feet from any Residential District and fifteen (15) feet from any public sidewalk.

8. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line when no sidewalks exist.

9. A masonry wall or solid fence shall be constructed when service station property abuts property zoned for residential purposes. Such wall shall be not less than five (5) feet in height except such wall or fence shall be not less than two (2) feet or exceed three and one-half (3 1/2) feet in height for that portion within the most restrictive setback requirements. All required yards shall be landscaped and maintained.

10. Off-Street Parking: As regulated in 29.04.05.

11. Signs: As regulated in 29.04.08.

29.04.10. Customary Home Occupation. This section defines customary home occupations and prescribes the conditions under which such occupations shall be permitted.

1. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

2. The following occupations, subject to the requirements of the above paragraph, are permitted as customary home occupations:

a. Antiques provided, however, that outdoor display is prohibited.

b. Artist, sculptor, author.

c. Barber shop and beauty shop operated by no more than two (2) persons.

d. Dressmaker, milliner, seamstress, tailor, interior decorator.

e. Professional office of a physician, dentist, lawyer, engineer, architect, or accountant within a dwelling occupied by the same provided that not more than one paid assistant shall be employed. That adequate approved off-street parking be made available.

f. Teaching, including tutoring, musical instruction, or dancing.

g. Not more than twenty-five (25) percent of the floor area in the structure can be used for customary home occupation.

h. Any other similar use which the governing body deems to be a home occupation.

29.04.11. Temporary Uses. The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature.

1. Application for Temporary Use Permit shall be made to the Building Inspector and shall contain the following information:
2. A surveyor legal description of the property to be used, rented, or leased for a temporary use, including all information necessary to accurately portray the property.
3. A description of the proposed use.
4. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.
5. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.
6. Carnival or Circus: In any non-residential district, a Temporary Use Permit may be issued for a carnival or circus, but such permit shall be issued for a period not longer than fifteen (15) days. Such a use shall set back from all Residential Districts a distance of one hundred (100) feet or more.
7. Christmas Tree Sale: In any non-residential district, a Temporary Use Permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period not longer than thirty (30) days.
8. Temporary Buildings: In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year but may be renewed a maximum of two one-year extensions. However, such office or shed shall be removed upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
   1. Real Estate Sales Office: In any district a Temporary Use Permit may be issued for a temporary real estate office in any approved new subdivision. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year, but may be renewed a maximum of three (3) one-year extensions. Such office shall be removed or converted to a conforming use upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

29.04.12. Tents. No tent shall be used, erected or maintained as living quarters. Overnight camping tents are permitted on public lands established for camping purposes, and in private camps permitted in districts of this ordinance.

29.04.13. Swimming Pools. The following regulations shall apply to swimming pools:

1. A private swimming pool shall be any pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2 ) feet. Private Swimming pools are permitted in any Residential District provided:
   1. The pool is intended Band is to be used solely for enjoyment of the occupants of the property on which it is located and their guests.
   2. No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side yard.
   3. The swimming pool area shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall shall be not less than six (6) feet in height and maintained in good condition.
2. A community or club Swimming pool not open to the public shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families and guests. Community and club swimming pools shall comply with the following conditions and requirements:
   1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
   2. The pool and accessory structures thereto, including the areas used by the bathers, shall be no closer than twenty-five (25) feet to any property line of the property on which located.
   3. The Swimming pool and all of the area used by the bathers shall be so walled or fenced so as to prevent uncontrolled access by children from the street or adjacent properties. Safe fence or wall shall be not less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

29.04.14. Lighting. Lighting of all types shall be directed so as to reflect from all residential districts, and shall be so situated so as not to reflect directly onto any public right-of-way.

29.05.00. Nonconforming Buildings, Structures and Uses of Land. Any otherwise lawful use of land or structure existing at the time of adoption of these regulations may be continued, maintained, and repaired, except as otherwise provided in this chapter.

29.05.01. Continuance of Nonconforming Uses. The lawful operation of a nonconforming use as such use existed on the effective date of this Ordinance, or any amendment hereto, by which the use became a nonconforming use, may be continued; provided, however, that the number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units in the nonconforming use on the effective date of this Ordinance.

29.05.02. Extension of Nonconforming Uses in Structures. A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.

29.05.03. Changes in Nonconforming Uses. The nonconforming use of a building may be changed to another nonconforming use that is in the same (or higher)use group as the previous nonconforming use until the building is removed; provided, however, that a Certificate of Occupancy must be obtained before the change is made.

29.05.04. Termination of Nonconforming Uses. Except as hereinafter provided, a nonconforming use that has been abandoned or discontinued for a year shall not hereafter be reestablished.

29.05.05. Open Land Nonconforming Use Of. A nonconforming use not enclosed in a building or structure, or one in which the use ofthe land is a use exercised principally out-of-doors and outside of a building or structure shall, after discontinuance of its principal use or abandonment of one (1) year, become a prohibited and unlawful use and shall be discontinued..

29.05.06. Destruction, Damage, or Obsolescence of Structure. The right to operate and maintain any nonconforming use shall terminate whenever the structure, or structures, in which the nonconforming use is operated and maintained, are damaged, destroyed, or become obsolete or substandard beyond the limits hereinafter established for the termination of nonconforming structures.

29.05.07. Continuance of Nonconforming Structures.Except as hereinafter provided, any nonconforming structure may be occupied, operated and maintained in a state of good repair.

29.05.08. Enlargement or extension of Nonconforming Structures: A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located.

29.05.09. Restoration of Damaged Nonconforming Structures.A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than sixty (60) percent of its replacement cost may be restored to its original or better condition, provided restoration is completed within one (1) year of the date of the damage.

29.05.10. Outdoor Advertising Signs and Structures. No outdoor advertising sign or outdoor advertising structure which, after the adoption of this Ordinance, exists as a nonconforming use in any district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulation of said district within a period of two (2) years.

### 29.05.11. Nonconforming Mobile Home Use and Change of Ownership.

Refer to chapter 30.

### 29.06.00. Administration and Enforcement.

29.06.01. Organization.

29.06.01.00. Administration and Enforcement.

* 1. Administrative Official: An administrative official, hereafter known as the Building Inspector, designated by the Common Council shall administer and enforce this ordinance. He will be provided with the assistance of such other persons as the Common Council may deem necessary (i.e. Police Force, Assistant Building Inspector, etc.) for the successful enforcement of this ordinance. Should the Building Inspector find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the party or parties responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct the violation. He shall order discontinuance of illegal use of land; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violations of its provisions.

1. Building Permits Required: No building or other structure shall be erected, constructed, enlarged, moved or demolished without a permit therefore, issued by the Building Inspector. No building or other structure shall be altered, repaired or improved, when the cost of such action shall exceed ten (10) percent of the current market value without a permit therefore issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this chapter.

3. Application for Building Permit: All applications for building permits shall be accompanied by two (2) sets of plans showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration, or in the event of repair or improvement where plans do not apply a written description of work, will be required. The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed building or alteration; 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 mutters as may be necessary to determine conformance with, and provide for the enforcement of this chapter.

One (1) copy of the pianos or written description shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans or written description shall be retained by the Building Inspector.

* 1. Expiration of Building Permit: If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall' expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with, notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
  2. Construction and Use to Be as Provided in Applications, Plans and Permits: Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

29.06.01.01.Board of Adjustment.

* 1. The governing body, except as otherwise provided in SDCL, 11-4-24 shall provide for the appointment of a Board of Adjustment, hereafter referred to as the "Board". Should the governing body elect not to comply with SDCL 11-4-24, then the governing body will appoint a Board of Adjustment which shall consist of five (5) members, each residents of Edgemont, who are not members of any governing body. Each member is appointed for a term of three (3) years and removable for cause by the governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term only.
  2. The Board shall elect a chairman and secretary from its membership, and shall prescribe rules for the conduct of its affairs. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine at a fixed time and place. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required. In the case of all appeals, the Board shall call upon the governing body for all information pertinent to, and their recommendations.

3. Powers of the Board of Adjustment: The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses, and in the furtherance of their duties shall have the following powers:

a. The Board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination of this chapter made by the Building Inspector.

b. To hear and decide variances to the terms of this ordinance when such variances are allowed by the ordinance.

c. To authorize upon appeal in specific cases such variance from terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.

4. Appeals Procedures to the Board:

a. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter.

b. Appeals to the Board of Adjustment may be submitted by any person aggrieved by any decision of the Building Inspector. Such appeal shall be submitted within a reasonable time, as provided by the rules of such board, by filing it with the Building Inspector and with the Chairman of the Board of Adjustment. The appeal shall specify the grounds thereof. The Building Inspector shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

c. An appeal to the Board of Adjustment stops all erection, construction, enlarging, moving or demolishing in the action appealed, unless the Building Inspector files a certificate that, by reason of facts stated in the certificate, a discontinuance would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stopped otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record, on application, one notice to the Building Inspector and on due cause shown.

d. The Board of Adjustment shall fix a reasonable time for the hearing' of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

e. In exercising the powers mentioned, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

f. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

5.In lieu of appointing a Board of Adjustment, the Common Council of this

City may act as and perform all the duties and exercise the powers of such Board of Adjustment as provided in SDCL 11-4-24.

29.06.01.02. Governing Body. The governing body shall:

**1.** Establish such rules of procedure as are necessary to the performance of its functions hereunder.

2. Review and give final decision on all applications for Uses Permitted on Review in accordance with 29.04.01, and this Chapter.

**3.** Study and report on all proposed amendments to this chapter; further, to review annually this chapter and on the basis of such review, suggest amendments thereto.

29.06.02. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his lot as the zoning chapter intended.

1. Application: After written denial of a building permit from the Building Inspector, a property owner may make application to the Board of Adjustment for a Variance, using forms obtainable.
2. Public Hearing: Upon receipt of an application and fee, the Board shall hold a public hearing, having first given fifteen (15) days notice. Such notice of the time and place of such hearing shall be published in a designated legal publication. The Board shall consider and decide all applications for variances within thirty (30) days of such public hearing and in accordance with the standards provided below
3. Standards for Variances: In granting a variance, the Board shall ascertain that the following criteria are met:
   1. Variances shall be granted only where special circumstances or conditions such as (exceptional narrowness, topography, or siting) as verified by the finding of the Board of Adjustment, do not apply generally in the district.
   2. Variances shall not be granted to allow, a use otherwise excluded from the particular district in which requested.
   3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicants of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.
   4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
   5. The granting of any variance is in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
   6. A fee, due and payable at the time of the appeal, shall be paid to the Building Inspector as agent for the Board, to cover the costs of notices and other expenses incidental to the hearing.
4. Requirements for the Granting of a Variance: Before the Board shall have the authority to grant a variance, the persons claiming the variance have the burden of showing.
   1. That the granting of the permit will not be contrary to the public interest.
   2. That the literal enforcement of the chapter will result in unnecessary hardship.
   3. That by granting the permit contrary to the provisions of the chapter the spirit of the chapter will be observed.
   4. That by granting the permit, substantial justice will be done.

29.06.03. Court Review of Decisions of the Board.

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing with the Chairman of the Board.
2. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review", such decision of the Board. The Board shall be required to turn over to the court certified copies of all paper acted on by it, and any other information as may be pertinent and material to show the grounds of the decision appealed from. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
3. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

29.06.04. Certificate of Occupancy. A certificate of occupancy shall be required as regulated in the Uniform Building Code.

29.06.05. Procedure for Authorizing Uses Permitted on Review. The following procedure is established to integrate properly the uses permitted on review with other land uses located in the district. These uses shall be reviewed by the governing body and authorized or rejected following procedure:

1. Application: An application shall be filed with the governing body for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred: (200) feet, and any other material pertinent to the request which the governing body may require.
2. Public Hearing: Upon application, the governing body shall gve a fifteen (15) day notification of a public hearing. Such notice of time and place of such hearing shall be published in a local legal publication.
3. Restrictions: In the exercise of its approval, the governing body may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this chapter.
4. Issuance of Permit: Upon completion of the necessary application, hearing, and approval of the governing body, the Building Inspector shall issue the Building Permit subject to all applicable rules, regulations and conditions.
5. Validity of Plans: Allapproved plans, conditions, restrictions, and rules made a part of the approval of the governing body shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
6. Time Limit and notification: All applications for uses permitted on review shall be decided wthin forty-five (45) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

29.06.06. Amendments. The regulations, restrictions, boundaries, and options set forth in this chapter may be amended, supplemented, revised or repealed from time to time ( as conditions warrant, subject to the following conditions:

1. Application: An application for a proposed amendment shall be filed with the governing body. Amendments may be instituted by either the property owner or his designated representative or by an appropriate governmental agency.
2. Public Hearing: Upon application, the governing body shall schedule a hearing having first given fifteen (15) days notice of such hearings by one publication in a legally designated paper. The governing body shall consider and make recommendations on all proposed amendments, taking into account the testimony at the hearing; a site inspection of the property in question; the recommendations from the Health Department, or other official bodies; and the standards provided below.
3. Time Limit and Notification: All proposed applications for amendments shall be decided by the governing body within sixty (60) days of the public hearing.
4. Procedure: Any amendment to this chapter shall be adopted as any other Ordinance or change in Ordinance.
5. Standards for Amendments A proposed amendment shall be considered on its own merits using the following criteria as a guide:
   1. Text or Map Amendments: The following conditions shall be met for all amendments:
      1. The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the City of Edgemont generally.
      2. The proposed amendment shall be consistent with the intent and purposes of this chapter,
      3. The proposed amendment shall not adversely affect any other part of the chapter, nor shall any direct or indirect adverse effects result from such amendment.
      4. The proposed amendment shall be consistent with, and not in conflict with Development Plan of the City of Edgemont including any of its elements, Major Road Plan, Land Use Plan, Community Facilities Plan, and others.
   2. No new zoning District shall be created to contain an area of less than four (4) acres. The four (4) acres need not be under common ownership.
   3. Errors or oversights as may be found in the chapter as originally adopted shall be corrected under the normal amendment procedure.

29.06.07. Fees. Fees for all permits required herein, and fees required for filing of appeals, and fees for applications for amendments to this Zoning Ordinance shall be established by resolution and be collected by the Finance Officer:

29.06.08. Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this chapter.