

1 **CHAPTER Q-16 – EXTRA TERRITORIAL AREA**
2 **FORT PIERRE AND STANLEY COUNTY**

3
4
5 **TABLE OF CONTENTS**
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7 ARTICLE Q-16-1 DEFINITIONS AND GENERAL PROVISIONS.....1
8 CHAPTER Q-16 - ARTICLE 2 EXCEPTIONS AND ENCROACHMENTS.....15
9 CHAPTER Q-16 - ARTICLE 3 OFF-STREET PARKING AND LOADING19
10 CHAPTER Q-16 - ARTICLE 4 AGRICULTURAL DISTRICTS.....23
11 CHAPTER Q-16 - ARTICLE 5 RESIDENTIAL DISTRICTS.....32
12 CHAPTER Q-16 ARTICLE 6 BUSINESS DISTRICT41
13 CHAPTER 16 - ARTICLE 7 INDUSTRIAL DISTRICTS45
14 CHAPTER 16 - ARTICLE 8 RIVER-FRONT AND PARK DISTRICT.....55
15 CHAPTER 16 - ARTICLE 9 MANUFACTURED HOME PARKS56
16 CHAPTER 16 - ARTICLE 10 PLANNED UNIT DEVELOPMENT.....58
17 CHAPTER Q-16-11 THRU Q-16-12 RESERVED.....59
18 CHAPTER Q-16 - ARTICLE 13 CONSTRUCTION CODES60
19 CHAPTER Q-16 - ARTICLE 14 SUBDIVISION ORDINANCE62
20

21 **ARTICLE Q-16-1 DEFINITIONS AND GENERAL PROVISIONS**
22

23 *Sections 16-1-101 to 114, inclusive. Definitions and General provisions.*
24

25 Section Q-16-1-101. *Designating the legal boundaries and extra- territorial joint jurisdiction limits of the City of*
26 *Fort Pierre and Stanley County, South Dakota.*

27
28 The following are the boundaries and the extra-territorial joint jurisdiction limits of the City of Fort Pierre and
29 Stanley County, South Dakota, as laid out and established.
30

31 Extra territorial boundaries one mile from Municipal boundaries (not including land owned by City)
32

33 Commencing at theto the place of beginning.
34

35 Source: Ord. No.
36

37 Section Q-16-1-102. *Definitions.*
38

39 For the purpose of this Section certain words and terms used herein shall be defined and interpreted as follows:
40

41 All words used in the present tense include the future tense. All words in the plural number include the singular
42 number, and all words in the singular number include the plural number, unless the natural construction of the

1 wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed
2 also to include "designed, intended, or arranged to be used."
3

4 1. "Accessory Use" is that use of a zoning lot which is considered subordinate to the principal permitted use among
5 the uses allowed. A principal permitted use is required in order for an accessory use to be permitted under the
6 zoning classification.
7

8 2. "Agricultural Building" is a building located on agricultural zoned property and used to shelter farm implements,
9 hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation, and which is not
10 used by the public.
11

12 3. "Airport" is any area of land which is used, or intended for the landing and take-off of aircraft, and any
13 appurtenant areas which are used or intended for use as right-of-way, including taxi ways, aircraft storage and
14 tie down areas, hangars and other related buildings and open spaces.
15

16 4. "Alley" is a narrow service way providing a secondary means of access to abutting properties.
17

18 5. "Alter or Alteration" is any change, addition or modification in construction of a structure, or occupancy.
19

20 6. "Animal Feeding Operation" is a facility where livestock are confined, stabled, fed, or maintained in either an
21 open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops,
22 vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under
23 common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a
24 common area or system for the disposal of manure.
25

26 7. Animal Units - A unit of measure for livestock equated as follows;
27

28 One animal unit is equivalent to:

29 1 Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds;

30 0.5 Horse;

31 0.7 Mature dairy cattle, excluding dairy calves under 300 pounds;

32 0.27 Farrow-to-finish sows;

33 1 Swine in a production unit;

34 10 Nursery swine less than 55 pounds;

35 2.5 Finisher swine over 55 pounds;

36 10 Sheep or lambs;

37 5 Ducks and/or geese;

38 5 Turkeys;

39 30 Laying hens or broilers.
40

41 8. "Apartment" shall mean a dwelling unit as defined in this ordinance.
42

43 9. "Apartment House" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to
44 be occupied, or which is occupied as the home or residence of or more families living independently of each
45 other and doing their own cooking in the said building, and shall include flats and apartments.
46

47 10. "Auto Wrecking" is the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or
48 track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete
49 or wrecked motor vehicles, wheeled or trailers or their parts. The dismantling and rebuilding other than custom
50 repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even
51 though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a
52 partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered
53 auto wrecking.
54

55 11. "Basement" is that portion of a building between floor and ceiling, which is partly below and partly above grade.
56

- 1 12. "Billboard" is any structure or portion thereof, situated on private premises, on which lettered, figured or
2 pictorial matter is displayed for advertising purposes, except the name and occupation of the user of the
3 premises, the nature of the business conducted on the premises or the products primarily sold or manufactured
4 on the premises and having an area of 100 square feet or more. Any signboard carrying a message expected in
5 this definition which also carries extraneous advertising of 100 square feet or more shall be considered a
6 billboard. This definition shall not include any board, sign or surface used to display any official notices issued
7 by a court or public duty, or bulletin boards used to display announcement of meetings to be held on the
8 premises on which such bulletin boards are located, nor shall it include a real estate sign advertising for sale or
9 rent the property upon which it stands when such sign does not exceed 100 square feet.
10
- 11 13. "Block" means an area of land within an addition or subdivision that is entirely bounded by streets, streets and
12 the exterior boundary or boundaries of the addition or subdivision, railroad rights-of-way, or a combination of
13 the above with a river or lake.
14
- 15 14. "Board or Board of Adjustment" is the County Commission {or a joint Board of Adjustments may be appointed
16 consisting of six (6) member board whose members are selected three (3) by the City Council and three (3)
17 County Commission.}
18
- 19 15. "Building" is any structure for the support, shelter, enclosure of persons, animals, chattels, or property of any
20 kind.
21
- 22 16. "Building, Accessory" is any subordinate building or structure, the use of which is incidental to the principal
23 building on the same lot
24
- 25 17. "Building, Existing" is a building erected prior to the adoption of this chapter or one for which a legal building
26 permit has been issued.
27
- 28 18. "Building, Principal" is a building in which is conducted the principal permitted use of the site on which it is
29 situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which
30 it is located.
31
- 32 19. "Certificate of Occupancy" is a permit issued by the Building Official and is in conformity with this ordinance or
33 that there has been a legal variance there from as provided by said ordinance.
34
- 35 20. "City Council" is the Fort Pierre City Council.
36
- 37 21. "Clinic, Medical" is a building or portion of a building containing the offices and associated facilities of one or
38 more practitioners providing medical, dental, psychiatric, osteopathic, chiropractor, physical therapy or similar
39 services for out-patients only, with or without share or common spaces and equipment. A common area
40 pharmacy or drug dispensary available to persons other than patients being treated therein or making charges
41 separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.
42
- 43 22. "Club" shall include clubhouse and shall mean a voluntary association of persons organized for cultural,
44 recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization or premises, the
45 chief activity of which is a service or activity customarily carried on as a business even though it may be
46 chartered and named for purposes herein defining a club.
47
- 48 23. "Commercial Use" is the use of any land or building designed for commercial purposes, which shall include the
49 use of land or buildings used for retail sales and offices.
50
- 51 24. "Commission, Planning" is the joint Stanley County - City of Fort Pierre Planning Commission.
52
- 53 25. "Conditional Use" is a use which is not allowed in the district as a matter of right, but which is permitted upon
54 findings of the Joint Planning & Zoning Commission and City Council that under the particular circumstances
55 present, such use is in harmony with the principal permitted uses of the district. Allowable conditional uses are

1 specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses but
2 may be allowed as a special use.
3

- 4 26. "Concentrated Animal Feeding Operation (CAFO)" is a lot or facility that stables or confines and feeds or
5 maintains animals for a total of 45 days or more in any 12-month period and meets the criteria for a large,
6 medium or small concentrated animal feeding operation as specified by the South Dakota Department of
7 Environment and Natural Resources Definition for Concentrated Animal Feeding Operation (CAFO).
8 Definition excludes pastured livestock and most wintering areas.
9
- 10 27. "Country Club" for the purpose of this ordinance shall include golf course, par-3 golf courses, swimming pools,
11 tennis clubs and neighborhood clubhouses any and each of which shall be located on a site of not less than one
12 acre and open only to membership subscribing for the use of all facilities for a term of not less than one year
13 and members' non-paying guests. Sleeping facilities other than quarters for one caretaker or manager and his
14 family shall be prohibited. Clubs operated exclusively as restaurants, cocktail lounges, card rooms, beer taverns,
15 bowling alleys, pool and billiard parlors and similar activities normally carried on as business shall be excluded
16 from the definition of a country club. Nothing herein shall be construed to limit the method of operation of such
17 facilities enumerated in this definition when owned or operated by a governmental agency.
18
- 19 28. "County Commission" is the Stanley County Commission.
20
- 21 29. "Court" is a space, open and unobstructed to the sky, located at or above grade level on a lot and bound on three
22 or more sides by walls or a building.
23
- 24 30. "Coverage" is the percentage of lot area covered by buildings.
25
- 26 31. "Drive-in" may be used as noun or adjective and shall refer to a business which is designed to serve patrons
27 while they are reposed in vehicles or by means of service windows with the intent that products may be
28 consumed in automobiles on the premises.
29
- 30 32. "Dwelling" is a building or portion thereof, designed or used exclusively for residential occupancy, including
31 single-family dwellings, two-family dwellings, multi-family dwellings and group dwellings; provided however
32 that the following are not dwellings:
33
- 34 a. Hotels, motels, Travel Parks and cabins;
 - 35
 - 36 b. In a building that contains one or more dwelling units or lodging rooms in addition to one or more non-
37 residential uses, the portion of such building that is devoted to such residential uses, except when
38 accessory to the residential uses; and,
39
- 40 Used for the institutional care of people such as hospitals, nursing homes, assisted living, and
41 orphanages.
42
- 43 33. "Dwelling - Multiple-Family" is a building or portion thereof accommodating three or more families living
44 independently of each other.
45
- 46 34. "Dwelling - Single-Family" is a building containing one dwelling unit only.
47
- 48 35. "Dwelling - Two-Family" is a building containing two dwelling units only.
49
- 50 36. "Dwelling - Unit" is one or more habitable rooms which are occupied or which are intended or designed to be
51 occupied by one family with facilities for living, sleeping, cooking, and eating.
52
- 53 37. "Dwelling - Mobile" is a vehicle used or so constructed as to permit its being used as a conveyance upon a
54 public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed,
55 constructed, reconstructed, or added to by means, in such manner as will permit the occupancy thereof as a
56 dwelling or sleeping place for one or more persons and supported by wheels, jacks, or similar supports.

1 Transportable dwellings not meeting building code requirements for dwellings shall be treated as mobile
2 dwellings.
3

- 4 38. "Family" is an individual or two or more persons related by blood or marriage or a group of not more than five
5 persons who need not be related by blood or marriage living together in a dwelling unit.
6
- 7 39. "Farm" means any parcel of land containing at least ten (10) acres of contiguous land, unless otherwise specified
8 herein, together with fields, buildings, farm implements, animals and personnel for the intended purpose of
9 producing crops or raising livestock as a principal source of income for the residents or owner.
10
- 11 40. "Farmer" means one whose occupation is farming.
12
- 13 41. "Farm, Hobby" means a parcel of land together with fields, buildings, animals and implements, the residents of
14 which may raise crops or livestock primarily for pleasure or a pastime, which does not generate a principal
15 source of income for those residents.
16
- 17 42. "Farming" means the occupation of producing crops or raising livestock on a farm.
18
- 19 43. "Feedlot, Commercial" means a place where the principal business is the purchase of livestock in order to feed,
20 raise or hold the livestock in a confined area which does not sustain crops, vegetation, forage growth or post-
21 harvest residue in a normal growing season. The livestock are fed, raised or held for a period of more than 45
22 days then the livestock are resold.
23
- 24 44. "Feedlot, Farm" and "Feedlot, Ranch" means a place where livestock that are produced on the premises are fed,
25 raised and held for more than 45 days in a confined area which does not sustain crops, vegetation, forage
26 growth or post-harvest residue in a normal growing season. The feeding, raising or holding of the livestock is
27 subordinate use to the raising of crops or producing livestock upon the premises.
28
- 29
- 30 45. "Flammable Liquids" shall mean any liquid having a flash point below 200°F. and having a vapor pressure not
31 exceeding 40 pounds per square inch (absolute) at 100° F. Flammable liquids shall be divided into three classes
32 as follows:
33
- 34 Class 1. Shall include those having flash points below 20° F.;
- 35
- 36 Class 2. Shall include those having flash points above 20° F. but at or below 70° F. and,
37
- 38 Class 3. Shall include those having flash points above 70° F.
39
- 40 46. "Floor Area" is the area included within the surrounding exterior walls of a building or portion thereof, exclusive
41 of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior
42 walls shall be the usable area under the horizontal projection of the roof or floor above.
43
- 44 47. "Garage" is a building or portion thereof in which a self-propelled vehicle containing gasoline, distillate or other
45 volatile, flammable liquid in its tank, is stored, repaired, or kept.
46
- 47 48. "Garage, Private" is a building, or portion of a building, not more than two thousand four hundred (2,400) square
48 feet in size, designed or used for the storage of personal motor vehicles and other customary household articles
49 which are owned and used by the occupants of the building to which it is accessory.
50
- 51 49. "Convenience Store/Gas Station" is any building or premises which provides for the retail sale of motor vehicle
52 fuel or oil. No automobile repair work may be done upon the premises containing a gas dispensing station.
53
- 54 50. "Golf Course" as used herein, shall mean standard sized layouts of at least nine holes and shall not include
55 miniature golf courses, par-3 golf courses, pitch and put courses or driving ranges.
56

- 1 51. "Grade (adjacent Ground Elevation)" is the lowest point of elevation of the finished surface of the ground
2 between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of
3 elevation of the finished surface of the ground between the exterior wall of a building and the property line if it
4 is less than five (5) feet distant from said wall. In case walls are parallel to and within five (5) feet of a public
5 sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.
6
- 7 52. "Ground Coverage" is the area of a zoning lot occupied by all buildings expressed as a percentage of the gross
8 area of the zoning lot.
9
- 10 53. "Home Occupation - General" is a business occupation or profession carried on within a residential dwelling by
11 the resident thereof; and which shall have the following characteristics:
12
- 13 a) There shall be no external evidence of the occupation with the exception of one unlighted name plate
14 of not more than one square foot in area attached flat against the building. Advertising displays and
15 advertising devices displayed through a window of the building shall not be permitted.
16
 - 17 b) There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical, or electronic
18 disturbance detectable at the zoning lot line.
19
 - 20 c) The activity shall employ only members of the immediate family of the resident of the dwelling.
21
 - 22 d) There shall not be a stock of goods on the premises in excess of 30 cubic feet in volume, none of which
23 shall be of a flammable nature.
24
 - 25 e) There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking
26 the address of the premises with the home occupation.
27
 - 28 f) Said home occupation shall not involve continual visits by the general public.
29
 - 30 g) The above listed characteristics of the home occupation shall not be construed to restrict the sale of
31 garden produce grown on the premises, provided this exception shall not extend to allow the operation
32 of a commercial green house or nursery, or the existence of stands or booths for the display of produce
33 grown on the premises.
34
 - 35 h) Said occupation may include the caring for not more than 12 children at one time for hire.
36
 - 37 i) Room or board for hire, but not for more than 2 persons.
38

39 Any business, occupation or profession the operation of which does not meet the aforesaid characteristics shall not
40 be interpreted to be a home operation despite the fact that it may attempt to operate in a residential building.
41

42 The conducting of a barber and/or beauty shop, a clinic, a commercial stable, a commercial kennel, a tourist home, a
43 restaurant or a tea room, a convalescent home, a mortuary establishment or any similar use shall not be deemed to be
44 a home occupation.
45

46 54. "Hospital" is an institution in which sick or injured persons are given medical or surgical care.
47

48 55. "Hotel" is any building containing six or more guest rooms intended or designed to be used, or which are used,
49 rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
50

51 56. "Junk or Salvage Yard" is a place where waste, discarded or salvaged metals, building materials, paper, textiles,
52 used plumbing fixtures, or other used materials are bought, sold, exchanged, stored, baled, or cleaned and places
53 or yards for the storage of salvaged metal, materials and equipment, but not including pawn shops and
54 establishments for the sale, purchase or storage of used cars or trucks in operable condition, boats, or trailers in
55 operable condition, salvaged machinery in operable condition, and used furniture and household equipment in

1 usable condition and not including the processing of used, discarded or salvaged materials as part of
2 manufacturing operations.

- 3
4 57. "Lot" is a zoning lot unless the context shall clearly indicate a lot of record, in which case a "lot" is a lot of
5 record.
6
7 58. "Lot, Corner" is a zoning lot situated at the intersection of two streets, or bounded on two or more adjacent sides
8 by street right-of-way lines or in the case of curved right-of-way lines, when the extension of tangents at the
9 side lot lines yields an internal angle which does not exceed 135 degrees.
10
11 59. "Lot, Interior" is a zoning lot other than a corner lot.
12
13 60. "Lot, Depth of" is the mean horizontal distance between the front and rear lot lines.
14
15 61. "Lot Line" is a boundary of zoning lot. Lot line is synonymous with property line.
16
17 62. "Lot of Record" is land designated as a separate and distinct parcel in a subdivision, the plat of which has been
18 recorded in the office of the county register of deeds of Stanley County, South Dakota, parcel of land, the deed
19 to which was recorded in the office of said recorder prior to the adoption of this ordinance. Lot of Record shall
20 not be smaller than the minimum zoning lot for the zoning district in which it resides.
21
22 63. "Lot Width" is the distance between side lot lines measured at the rear of the required front yard on a line
23 parallel with a line tangent to the street right-of-way line.
24
25 64. "Manufacturing/Processing, Light" is those manufacturing processes which are not obnoxious due to dust, odor,
26 noise, vibration, pollution, smoke, heat or glare. These commercial or industrial uses are characterized by
27 generally having all aspects of the process carried on within the building itself.
28
29 65. "Manufactured home" - A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two
30 (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round
31 occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation,
32 and designed to be connected to utilities. It may consist of one or more units, separately transportable, but
33 designed to be joined together into one integral unit. Manufactured homes are built according to the Federal
34 Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
35 Manufactured homes are not mobile homes. Mobile homes are moveable or portable dwellings constructed
36 prior to 1976 and are not permitted in the extra territorial area.
37

38 The following shall not be included in this definition:
39

- 40 A. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
41 B. Modular housing which is housing constructed in a factory setting in single or multiple units that
42 are designed to be set on permanent foundations, and which are constructed in accordance with the
43 local building, electrical and plumbing codes.
44
45 66. "Manufactured Home Park" - A parcel of land under single ownership, which has been planned and improved for
46 the placement of manufactured homes for non-transient use.
47
48 67. "Minor Repair - Automobile" is the replacement of minor assemblies or parts and tune up of automobiles, or
49 trucks of less than 15,000 pounds gross license weight, but not including body and fender work, painting, engine
50 overhaul or similar type of work.
51
52 68. "Motel" is a group of attached or detached living units with individual toilet facilities operated for transient guests
53 and so constructed that guests' automobiles may be parked at or near the living unit.
54
55 69. "Natural Production Use" is a production use which shall be directly dependent upon the natural resources of the
56 area; such as gravel pits, rock quarry, and areas containing natural gas.

- 1
2 70. "Non-conforming Building" is a building or structure or portion thereof, lawfully existing at the time this
3 ordinance or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking,
4 loading or other requirements of this ordinance or any amendment thereto.
5
6 71. "Non-conforming Uses" is a use which lawfully occupies a building or land at the time this ordinance or an
7 amendment thereto becomes effective but does not meet the requirements of this ordinance or any amendment
8 thereto.
9
10 72. "Occupancy" is the purpose for which a building is used or intended to be used. The term shall also include the
11 building or room housing such use. Change of occupancy is not intended to include change of tenants or
12 proprietors.
13
14 73. "Open Space" is all area including off-street parking spaces not covered by buildings or structures.
15
16 74. "Parking Space Off-Street" (shall mean...) is an out of public right of way space available for the parking of
17 one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of
18 driveways and having direct access to a street or alley.
19
20 75. "Personal Health Service" is an establishment primarily engaged in providing health services, including, but not
21 limited to, medical, dental, chiropractic, ophthalmology, optometry and audiology.
22
23 76. "Personal Service Store" is an establishment engaged in providing services involving the care of a person or
24 their apparel, including, but not limited to laundry or dry cleaning, garment services, coin-operated laundries,
25 photographic and art studios, beauty shops, barber shops, shoe repair, reducing salons, health clubs, clothing
26 rental, tailor and dressmaker.
27
28 77. "Planning & Zoning Commission - Joint" consisting of four (4) members selected from the Stanley County
29 Planning & Zoning Commission and four (4) members selected from the City Planning & Zoning Commission.
30 The remaining members of each of the respective Planning & Zoning Commissions will serve as alternates on
31 the Joint Planning & Zoning Commission. The officers of the Joint Planning & Zoning Commission shall be
32 selected by the members of the Joint Planning & Zoning Commission by annual elections of its members.
33
34 78. "Principal Permitted Use" is that permitted use of a zoning lot which is considered the primary use among the
35 uses allowed to which other uses may be accessory to under the zoning classification.
36
37 79. "Permitted Use" is that use of a zoning lot which is among the uses allowed as a matter of right as the exclusive
38 use of a lot under the zoning classification. These uses are considered neither principal permitted uses or
39 accessory uses.
40
41 80. "Public Utility Facility" is telephone, electric and cable television lines, poles and equipment; water, gas and
42 sewer pipes and valves, lift stations, telephone exchanges and repeaters and all other facilities and equipment
43 necessary for conducting a service by a government, public utility or cable television franchise.
44
45 81. "Record Drawings" are the drawings and documents prepared by the engineer of record or other professional
46 indicating how the project has been constructed, the final horizontal and vertical locations for all elements of the
47 project and material specifications for the materials used in the project. Record Drawings are referenced as As-
48 Built Drawings.
49
50 82. "Repair" is the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
51 The word "Repair" or "Repairs" shall not apply to any change of construction.
52
53 83. "Residential Use" is use of land or buildings designed for residential purpose which shall include such land or
54 buildings used for one or two-family residency, apartment houses and multiple family dwellings.
55

- 1 84. "Retail Store" is an establishment engaged in selling products, goods or merchandise to the general public for
2 personal or household consumption; and establishments engaged in providing services or entertainment to the
3 general public including eating and drinking establishments, repair shops, indoor amusement, copying services,
4 health, professional, personal, educational, and social services, and other miscellaneous services.
5
- 6 85. "Rooming House or Lodging House" is any building or portion thereof, containing not more than five guest
7 rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A
8 lodging house shall comply with all the requirements of this ordinance for dwellings.
9
- 10 86. "Setback" is the minimum horizontal distance between the property line and front line of a building.
11
- 12 87. "Sign" is any device which directs attention to business, commodity, service or entertainment but not including
13 any flag, badge, insignia, or any government agency, or any civic, charitable, religious, patriotic or similar
14 organizations.
15
- 16 88. "Stable - Private" is an accessory building in which all of the animals housed are the property of the owner or
17 lessee or of his immediate family.
18
- 19 89. "Stable - Public" is a building in which any animals are kept for remuneration, hire or sale.
20
- 21 90. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the
22 floor next above, except that the topmost story shall be that portion of a building included between the upper
23 surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement,
24 cellar or unused under floor space is more than six feet (6 ft.) above grade as defined herein for more than 50
25 percent of the total perimeter or is more than twelve feet (12 ft.) above grade as defined herein at any point,
26 such basement, cellar or unused under floor space shall be considered as a story.
27
- 28 91. "Story - Half" is a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite
29 exterior walls, are not more than two feet above the finished floor of such story.
30
- 31 92. "Street" is any thoroughfare of public space not less than thirty feet (30 ft.) in width which has been dedicated or
32 deeded to the public for public use.
33
- 34 93. "Structure" is that which is built or constructed, an edifice or building or any kind, or any piece of work
35 artificially built up or composed of parts joined together in some definite manner.
36
- 37 94. "Structural Alteration" is any change in the structural members of a building, such as walls, columns, beams or
38 girders. Vehicles duly licensed for operation upon public streets or highways shall not be considered structures.
39
- 40 95. "Use" is the purpose or purposes for which land or building is designed, arranged, or intended, or to which said
41 land or building is occupied, maintained or leased.
42
- 43 96. "Use - Accessory" is a use customarily incidental to a principal permitted use or building and located on the
44 same zoning lot with such principal use or building.
45
- 46 97. "Use - Specifically Excluded" is a use of land or a structure which is excluded from a District by the operation of
47 other regulations of the district, and which is specifically enumerated as excluded for purposes of clarity of
48 intent and ease of reference.
49
- 50 98. "Warehouse" is a large building where raw materials or manufactured goods may be stored before their export
51 or distributed for sale. "Warehousing" is the act of storing raw materials or manufactured goods before
52 exporting or distribution.
53
- 54 99. "Yard" is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where
55 specifically provided by this ordinance on the lot on which a building is situated.
56

- 1 100. "Yard - Front" is an open space extending the full width of the zoning lot, between the main building and the
2 front line, unoccupied and unobstructed by buildings or structures in excess of 30 inches in height except as
3 provided herein, the depth of which shall be measured as the least distance between the front lot line and the
4 front of such main building.
5
- 6 101. "Yard - Rear" is an open space extending the full width of the zoning lot between the main building and the
7 rear lot line, unoccupied and unobstructed by buildings or structures in excess of 30 inches in height except as
8 provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear
9 of such main buildings.
10
- 11 102. "Yard - Side" is an open space extending from the front yard to the rear yard, between the main building and
12 the side lot line, unoccupied and unobstructed by buildings or structures in excess of 30 inches in height, except
13 as provided herein, the depth of which shall be measured as the least distance between the side lot line and the
14 side of such main buildings.
15
- 16 103. "Zoning Administrator" is the officer charged with the administration and enforcement of this ordinance or his
17 regularly authorized assistant.
18
- 19 104. "Zoning, Lot" is a single tract of land located within a single block, which at the time of filing for a building
20 permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed or
21 built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or
22 structure, for which the building permit or certificate of occupancy are issued and including such area of land as
23 may be required by the provisions of this ordinance for such use, building or structure.
24

25 Source: Ord.
26
27

28 ***Section Q-16-1-103. Maintenance of Zoning Map***
29

30 Adoption of official zoning map and descriptions custody of and maintenance by the Zoning Administrator.
31

32 The location, size, shape and boundaries of the zones to which the provisions of the text of this chapter are
33 applicable, shall be indicated on the official zoning map in the Fort Pierre Zoning Administrator's office and the
34 Stanley County director of equalization office and by descriptions incorporated herein and by this reference made a
35 part hereof. Said map, after being adopted by reference as a part of this ordinance and so certified by the city
36 auditor, county auditor, and the Stanley County director of equalization shall be the official zoning map for the
37 purpose of enforcement of this ordinance. In case of doubt or dispute, the description of said zones shall govern.
38
39

40 ***Section Q-16-1-104. Establishment, designation and requirements of zoning lots.***
41

42 To facilitate the enforcement of this ordinance, the device of "zoning lots" as defined herein shall be used. A
43 parcel of land shall be designated and suitably recorded by the Zoning Administrator as forming the site of each new
44 building, structure or use of land, or the site of any building structure or use of land designated for any alteration or
45 modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and
46 area to the provisions of this ordinance. A zoning lot may, but is not required to, coincide with platted lot lines. Each
47 zoning lot shall front on a public street of not less than 25 feet in width for a distance of not less than 20 feet.
48
49

50 ***Section Q-16-1-105. Buildings, structures and land conforming to requirements of ordinance.***
51

1 No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall
2 hereafter be erected, constructed, moved, or structurally altered unless in conformity with all of the regulations
3 herein specified for the district in which it is located.
4
5

6 ***Section Q-16-1-106. Open space and other areas conforming to requirements of ordinance.***
7

8 No open space surrounding any building shall be encroached or reduced in any manner, except in conformity with
9 the yard, lot area, and building location regulations herein designated for the district which such building or open
10 space is located. No yard, off-street parking space, off-street loading space, or other space surrounding any building
11 for the purpose of complying with the provision of this ordinance except as otherwise specified herein, shall be
12 considered as providing a yard or open space for any other building, and no yard or other open space on one platted
13 lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same
14 ownership and is declared as a single zoning lot in applying for a building permit, and provided no land so
15 considered has previously been considered as part of a required building site or zoning lot in the application for a
16 building permit for an existing building. The required yard or open space for any use, building or structure shall be
17 contained in the same zone as required for the principal use, its buildings or accessory buildings.
18

19 No lot, yard, off-street loading space, off-street parking space or other open space required for an existing
20 building by the regulations contained herein shall be hereafter reduced in dimension or area below the minimum
21 requirements set forth herein for said building or structure, except to provide for the extension, establishment of
22 widening of a public street or highway.
23
24

25 ***Section Q-16-1-107. Interpretation of ordinance - conflict with other rights.***
26

27 It is not the intention of this ordinance to defeat the purposes of any contract, deed restriction or protective
28 covenant when such instrument is inconsistent with the ordinance or contains more restrictive requirements. In the
29 event this ordinance conflicts with other provisions of this code, ordinances, rules and regulations adopted pursuant
30 to law, or state or federal law, then the stricter provisions shall apply.
31

32 Areas which are included within the boundaries of an urban renewal plan or other area plan which has been
33 officially adopted and approved by the City Council, and a contract with the federal or any other governmental
34 entity consummated as a consequence thereof, shall not be the subject of any zoning change which will defeat the
35 purposes of such contract.
36
37

38 ***Section Q-16-1-108. Interpretation of ordinance - conflict with other laws.***
39

40 In the interpreting or applying the provisions of this zoning ordinance, the minimum requirements adopted for the
41 promotion of the public health, morals, safety, convenience, comfort, and general welfare shall be strictly conformed
42 to. Wherever the requirements of this ordinance are in conflict with the requirements of any other local statute,
43 ordinance, or regulation, the most restrictive, or that imposing the higher standards, shall govern.
44
45

46 ***Section Q-16-1-109. Interpretation of ordinance - certain uses prohibited.***
47

48 Any use that is not specifically permitted in a district as a permitted use, principal permitted use, accessory use or
49 a conditional use, is hereby specifically prohibited. In the regulations for some zones specific excluded uses are

1 enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all
2 excluded uses.

3
4
5 ***Section Q-16-1-110. Application of ordinance to non-conforming uses.***

6
7 The lawful use of any building or premises existing at the time of the effective date of this chapter shall be
8 allowed to continue although the use does not conform to the regulations of the ordinance in the respective district,
9 and such building may be reconstructed or structurally altered and the non-conforming use changed subject to the
10 following regulations:

- 11
12 1. Any non-conforming building may not be reconstructed or structurally altered during its life to exceed a cost of
13 fifty percent (50%) of the assessed value of the building prior to such alteration unless the building is changed to
14 conform to the regulations of the district.
- 15
16 2. There shall be no extension of any building for a non-conforming use, but an extension to such building may be
17 allowed for a conforming use.
- 18
19 3. Any building damaged by fire or other causes to the extent of fifty percent (50%) of its assessed value shall not be
20 repaired or rebuilt unless it is in conformity with the regulations for the respective district.
- 21
22 4. Upon the discontinuance of a non-conforming use for a period of one year the use shall not be re-established. Any
23 future use shall be in conformity with the regulations of the respective district.
- 24
25 5. No non-conforming use once changed to a conforming use shall be allowed to revert back to a non-conforming
26 use.
- 27
28 6. No non-conforming use shall be extended to replace a conforming use.
- 29
30 7. If the boundaries of a district shall be changed so as to transfer an area from one district to another district with
31 different regulations, the above provisions shall apply to any non-conforming uses existing in the district to which
32 the area is transferred.

33
34
35 ***Section Q-16-1-111. Administration and enforcement of ordinance - building permits - powers and duties of zoning
36 administrator and board of adjustment.***

37
38 **A. Administration and Enforcement**

39
40 This zoning ordinance, except as provide in this ordinance, shall be administered and enforced by the zoning
41 administrator. An appeal concerning the decision of the zoning administrator may be made to the Board of
42 Adjustment as herein provided.

43
44 **B. Building Permits**

- 45
46 1. There shall be no building or structure erected, added to or structurally altered unless there has been a permit
47 issued by the zoning administrator. Except upon a written request from the Board of Adjustment, no such building
48 permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or
49 use thereof will not conform to the regulations of this ordinance. No Building Permit shall be issued for a property
50 unless the property has the minimum frontage to an approved road or street constructed to the City standards except
51 when the road is maintained by the County.

1 2. With all applications for building permits there shall be submitted one copy of a layout or plot plan, drawn to
2 scale, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building
3 and accessory buildings to be erected, and any other information necessary to determine and provide for the
4 enforcement of this zoning ordinance. A careful record of these applications and plat plans shall be kept in the office
5 of the Zoning Administrator.

6
7 3. If the grading or earthwork associated with the building permit exceeds 1,000 CY or the Zoning Administrator
8 determines the grading or earthwork to effect adjacent property or stability of the structure shall require the
9 preparation and submittal of grading plans and issuance of a Grading Permit.

10 C. The Zoning Administrator shall be appointed by the City Council.

11 D. Permit Fees shall be as set by the City Council.

12
13 E. Board of Adjustment

14
15 1. Creation of Organization

16
17 **The Board of Adjustment is hereby established as the six (6) members of the County Commission serving**
18 **as the Board of Adjustments.**

19
20 **In lieu of the County Commission serving as the Board of Adjustment,** the Board shall consist of six
21 (6) members of which three (3) members are selected by the County Commission and three (3) members
22 are selected by the City Council.

23
24 The Board shall appoint one of its members as chairman, appoint a secretary and shall prescribe the rules
25 for the conduct of its affairs. Each member shall receive compensation as determined by the County
26 Commission. The appointment of the Board of Adjustment, the number of members, their terms in office,
27 and their power and authority shall be as set out in SDCL Chapter 11-4 and all acts mandatory thereto.

28
29 2. Powers and Duties.

30
31 The powers and duties of the Board of Adjustment as prescribed by laws and this ordinance are specified as
32 follows:

33
34 a. Interpretation.

35
36 To hear and decide all appeals from the decision of the zoning administrator involving the
37 interpretation of any regulation of this ordinance.

38
39 b. Special Permits.

40
41 To issue special permits for any of the uses which require such permits by the Board of
42 Adjustment; or for the extension of use, as it existed at the time this ordinance went into effect,
43 into a contiguous or more restricted district, but not for any other purpose or use. A special permit
44 shall not be granted unless the Board finds that the use for which the permit is sought will not be
45 injurious to the neighborhood or detrimental to the public welfare.

46
47 c. Variances.

48
49 To vary or adapt any regulation of this ordinance when any such regulation results in practical
50 difficulty or unnecessary hardship that would prohibit the owner from the reasonable use of the
51 land or building involved, but in no other case.

52
53 No variance of any regulation shall be granted by the Board unless they find:
54
55
56

1 1. That there is proof of the hardship, and the conditions and circumstances are peculiar to such
2 land or buildings, that the hardship is not created by the owner, and that these conditions and
3 circumstances do not generally apply to the neighborhood.
4

5 2. That the variance granted by the Board is the minimum variance possible to accomplish the
6 purpose of providing for the reasonable use of the land or building.
7

8 3. That the granting of the variance does not change the essential character of the neighborhood
9 and shall be in accordance with the general purpose and intent of this ordinance.
10

11 d. Procedure.
12

13 The Board of Adjustment shall act in strict compliance with the procedure prescribed by law
14 and this zoning ordinance. The appeals and application made to the Board shall be made in writing
15 on forms prescribed by the Board. Each appeal or application shall state the interpretation that is
16 sought, the use for which the permit is sought, or the details of the appeal, special permits or
17 variance applied for and the reasons why the appeal, special permit or variance should be granted.
18

19 A variance may be granted in cases where this ordinance refers it to the Board of Adjustment
20 directly.
21
22

23 ***Section Q-16-1-112. Inspections by Zoning Administrator.***
24

25 Upon completion of any construction, alteration, or grading, the Zoning Administrator may make a final
26 inspection to determine conformity to this ordinance.
27

28 ***Section Q-16-1-113 PROCEDURES FOR AMENDING, CHANGING, MODIFYING, OR REPEALING PORTIONS OF ZONING***
29 ***ORDINANCES.***

30 The City Council may from time to time amend, change, modify, or repeal any portion of Chapter Q-16 of the
31 zoning ordinances. Any amendment, modification, or repeal of Chapter Q-16 shall be proposed in an ordinance
32 presented to the City Council for adoption. Every proposed amendment or change shall be referred to the Joint
33 Planning and Zoning Commission for a public hearing thereon. The City Finance Officer or their designee shall
34 publish notice of the time and place ten (10) days prior to the date of the Joint Planning and Zoning Commission. In
35 the event a property is being rezoned, a copy of said notice shall also be mailed 1st class to all property owners
36 adjacent to the property being rezoned. The Joint Planning and Zoning Commission shall make and deliver its
37 report on the proposed amendment or change to the City Council. The amendment, change, modification, or repeal
38 shall be adopted as other ordinances, except that the City Finance Officer or their designee shall publish notice of
39 time and place of a public hearing before the City Council, no less than ten (10) days prior to the date of such public
40 hearing, to consider the adoption of the ordinance. The referendum and right of protest may be invoked against such
41 ordinance in like manner as prescribed in SDCL 11-4-5.
42
43

44 ***Section Q-16-1-114. Penalty Provisions.***
45

46 A violation of this ordinance shall be considered a misdemeanor punishable by a fine of One Hundred Dollars
47 (\$100.00). Each day that the violation continues to exist shall constitute a separate offense. Unless otherwise
48 indicated.
49
50

1 *Section Q-16-1-115 to 199, inclusive. Reserved*

2
3

4 **CHAPTER Q-16 - ARTICLE 2 EXCEPTIONS AND ENCROACHMENTS**

5
6

7 *Sections 13-2-101 to 116, inclusive. Exceptions and encroachments - general provisions.*

8

9 *Section Q-16-2-101. Requirement for conforming structures to height limitations.*

10

11 Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is
12 located except as specified in this article.

13

14

15 *Section Q-16-2-102. Certain appurtenances may exceed height limitations - exceptions.*

16

17 The following appurtenances may exceed the prescribed height limit provided they are normally required for use
18 permitted in the district in which they are erected or constructed; flagpoles, chimneys, cooling towers, elevator
19 bulkheads, belfries, penthouses for other than living purposes, grain elevators, stacks, silos, storage towers,
20 observation towers, ornamental towers, monuments, cupolas, domes, spires, standpipes and other necessary
21 mechanical appurtenances and their protective housing; provided, however, that any of the above, except flagpoles
22 and chimneys when located in any district with a height limit of 40 feet or less, shall be allowed only upon a finding
23 of the Board of Adjustment that such appurtenances will not be unduly detrimental to the surrounding property.

24

25

26 *Section Q-16-2-103. Certain electronic towers allowed with permission of the Board of Adjustment.*

27

28 Radio, television, microwave and other electronic transmission or receiving towers in excess of height limits may
29 be allowed in any District as a conditional use upon a finding by the Board of Adjustment that topographic or other
30 physical considerations make it necessary that they be located outside a district where they are permitted as a matter
31 of right and that the proposed tower or towers will not be unduly detrimental to surrounding property.

32

33

34 *Section Q-16-2-104. Restrictions on structures established by FAA or S.D. Division of Aeronautics rules.*

35

36 In any district, no structure shall be erected where prohibited or which exceeds the maximum heights permissible
37 under the rules of the Federal Aeronautics Administration or the South Dakota Division of Aeronautics.

38

39

40 *Section Q-16-2-105. Reserved*

41

42

43 *Section Q-16-2-106. Requirement for conforming buildings and structures to yard space regulations.*

44

1 Any building or structure hereafter erected, altered or established shall comply with the yard space requirements
2 of the district in which it is located. Any required yard space shall be open from 30 inches above the ground to the
3 sky except as specified herein.
4
5

6 ***Section Q-16-2-107. Allowable yard space encroachments for eaves, cornices and architectural features.***
7

8 Eaves, cornices and projecting architectural features may extend two feet into a required yard space except that
9 eaves may encroach 3 feet into a yard space when such yard space is seven feet or more in width.
10
11

12 ***Section Q-16-2-108. Allowable yard space encroachments for fire escapes.***
13

14 Open fire escapes may extend into any required side or rear yard not more than five (5) feet. This includes the
15 construction of landings and stairs for emergency egress for manufactured homes.
16
17

18 ***Section Q-16-2-109. Allowable yard space encroachments for chimneys.***
19

20 Chimneys may extend 2 feet into the required side and rear yard space if yard space is seven (7) feet or more in
21 width.
22
23

24 ***Section Q-16-2-110. Allowable yard space encroachments for porches and terraces - other requirements.***
25

26 Open, uncovered decks or terraces no higher than the first floor above grade on the side of the building to which
27 they are appurtenant and in no event higher than 30 inches above the adjacent grade of the lot on the side of the
28 building where such porch or terrace is located, may extend into any required yard space. Open railings or similar
29 open barriers no higher than 36 inches above the deck surface may be placed around such porch or terrace. Any such
30 porch or terrace when located on a lot at the intersection of two streets or a street and an alley shall comply with the
31 provisions designed to insure proper sight distances as set forth in this ordinance for fences and hedges. Enclosed or
32 covered porches shall be considered part of the building in determination of the size of yard or lot coverage.
33
34

35 ***Section Q-16-2-111. Allowable yard space encroachments for accessory buildings or structures.***
36

37 Accessory buildings or structures shall be permitted to occupy a required yard with the following restrictions:
38

- 39 1. Fences and similar accessory structures exceeding 30 inches in height may be constructed within the
40 required side and rear yard spaces but shall not extend into the required front yard space.
- 41 2. Accessory Structures over 30" in height and under 200 Sq Feet and not attached to a permanent foundation
42 may be placed within the side and rear yard spaces but not closer than 5 feet from the property line.
43
44

45 ***Section Q-16-2-112. Reserved***
46
47
48

1 *Section Q-16-2-113. Reserved*

2
3
4 *Section Q-16-2-114. Requirements for walls, hedges and fences and temporary or permanent objects to provide*
5 *unobstructed view at intersections - exceptions.*

6
7 There shall be provided an unobstructed view across the triangle formed by joining points measured 60 feet
8 distant along the property line from the intersection of two streets or 15 feet along both the street and alley line from
9 the intersection of a street and an alley. Where there is a speed limit of 30 miles per hour or less, said distance along
10 the property line for streets shall be twenty feet. Within said triangle, there shall be no sight obscuring or partly
11 obscuring walls, fence, foliage or object whether temporary or permanent higher than 30 inches above grade or in
12 the case of trees, foliage lower than 8 feet. Vertical measurement shall be made at the top of the curb on the street or
13 alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way. This
14 provision does not apply to chain link fences, on which no obstructions are attached thereto.
15
16

17 *Section Q-16-2-115. Power of Board of Adjustment to grant interim special use permits for certain uses.*

18
19 It is recognized that there may be extensive areas of undeveloped land upon which the planned type of
20 development will not take place for a considerable time. It is therefore reasonable and proper that interim uses not in
21 conformity with the land use plan be allowed.
22

23 The Board of Adjustment may grant special use permits for property within the District allowing for uses not
24 allowed as a matter of right in said district under the following conditions:
25

- 26 1. The proposed use shall be an open land type of use and shall not involve the erection of permanent buildings or
27 other permanent improvements and shall be located in an undeveloped area, provided however, that permanent
28 buildings shall be allowed which conform with the zoning in force upon the parcel.
29
- 30 2. The proposed use and the placement thereof upon the land shall be such that it shall not be unsightly to the
31 general public or interfere with the enjoyment or use of neighboring properties.
32
- 33 3. All permanent structures shall comply with all provisions of the zoning district in which the proposed use is
34 located.
35
- 36 4. All temporary uses and structure shall comply with all provisions of the uniform building code.
37
- 38 5. The Board of Adjustment may append reasonable conditions to any special use permit to the end that the
39 objectives of this ordinance may be upheld.
40
41

42 *Section Q-16-2-116. Procedures, conditions, and restrictions on interim special use permits.*

43
44 Before issuing any special use permit, the Board shall hold a public hearing and shall give notice hereof to all
45 property owners within 200 feet and to the Joint Planning and Zoning Commission and City Council.
46

47 No special use permit shall be issued for a period to exceed two years, provided however, that such special use
48 permit may be renewed for additional periods not to exceed two years each, for a maximum of 6 years, upon finding
49 that conditions have not changed sufficiently to warrant denial of such a renewal.
50

1 No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use
2 permit.

3
4 The zoning administrator shall enforce compliance with the terms of the special use permit and shall initiate actions
5 for renewal or cessation of the activity at the expiration of the special use permit.

6
7 Source:
8
9

10 ***Section Q-16-2-117. Conditional use permits.***

11
12 The Joint Planning & Zoning Commission and the City Council may authorize by conditional use permit the uses
13 designated in this chapter when located in a zoning district allowing such use. The Joint Planning & Zoning
14 Commission and the City Council shall impose such conditions as are appropriate and necessary to ensure
15 compliance with the comprehensive plan and protect the health, safety and general welfare in the issuance of such
16 conditional use permit. Unless expressly modified by the Board of Adjustment, all regulations of the zoning district
17 in which the use is located shall apply.

18
19 1. Application. An application shall be filed with the Joint Planning and Zoning Commission. The owner may be
20 required to submit plans, drawn to scale, indicating the location and dimensions of all existing and proposed
21 buildings or additions, parking, landscaping, building setbacks, screenings, and the use conducted therein or the use
22 of any land.

23
24 2. Notification. Notification to surrounding property owners, tenants and interested parties shall be accomplished by
25 posting a sign on the property noting the fact that a conditional use permit is pending and by mailing notices of
26 public hearing to adjoining property owners not less than ten days before the public hearing before the Joint
27 Planning and Zoning Commission.

28
29 3. Planning Commission Recommendation. For each application for a conditional use permit, the Joint Planning and
30 Zoning Commission shall report to the City Council its findings and recommendations, including the stipulation that
31 additional conditions regarding the location, character, or other features of the proposed use or buildings may be
32 imposed when they are deemed necessary for protection of public interest.

33
34 4. Public Hearing. Upon application and review by the Joint Planning and Zoning Commission, the City Council
35 shall hold a public hearing thereon, after having given a ten day notification in a daily newspaper of general
36 circulation.

37
38 5. Criteria for Review. In reviewing applications for conditional use permits, due consideration shall be given to the
39 following:

- 40
41 A. The location, character and natural features of the property;
42
43 B. The location, character and design of the adjacent buildings;
44
45 C. Proposed fencing, screening and landscaping;
46
47 D. Proposed vegetation, topography, and natural drainage;
48
49 E. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and
50 other unpowered vehicles and provisions for handicapped persons;
51
52 F. Existing traffic and traffic to be generated by the proposed use;
53
54 G. Proposed signs and lighting;

1
2 H. The availability of public utilities and services;
3

4 I. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;
5

6 J. The overall density, yard, height, and other requirements of the zone in which it is located;
7

8 K. The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through the use
9 of clarifiers, screening, setbacks and orientation; and
10

11 L. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use
12 on existing adjacent uses.
13

14 6. Expiration of Conditional Use Permit. A conditional use permit shall automatically expire if the use permitted has
15 not been started within 12 months or if the use permitted ceases for a period of 12 months. Unless specified
16 otherwise all conditional uses shall expire after two years from the date of approval.
17

18 7. Preexisting Uses. An existing use eligible for a conditional use permit which was lawfully established on the
19 effective date of this title shall be deemed to have received a conditional use permit and shall be provided with such
20 permit upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension or
21 relocation of such existing use, an application in conformance with this chapter shall be required.
22

23 Source:
24
25

26 *Section Q-16-2-118 to 199, inclusive. Reserved.*
27
28

29 CHAPTER Q-16 - ARTICLE 3 OFF-STREET PARKING AND LOADING 30 31

32 *Sections 13-3-101 to 106, inclusive. Off-street parking and loading - general provisions.*
33

34 *Section Q-16-3-101. Statement of purpose for off-street parking and loading regulations.*
35

36 It is the intent of this ordinance that all buildings, structures and uses of land shall provide off-street parking and
37 loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking
38 and loading spaces be so oriented that they are in fact readily usable for such purpose.
39

40 Each use of land and each building or structure hereafter constructed or established and each addition to a
41 structure in excess of 300 square feet, except as herein provided, shall provide off-street parking and loading
42 according to the standards set forth herein. When an addition is made to a building non-conforming as to parking or
43 loading a conforming amount of parking shall be supplied based upon the size of the addition.
44
45

46 *Section Q-16-3-102. Requirement for conforming all buildings to off-street parking and loading regulations -*
47 *exceptions.*
48

No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading space unless such building and its addition, conform with the regulations for parking and loading contained herein. Contractual agreements may be made between uses which generate parking demand at different times in such a manner that the requirements of more than one use may be met by the same space provided the parking demand for each such use involved is in fact met. All required parking space shall be on the same lot with the building, except that if the Board of Adjustment determines that it is impractical to provide parking on the same lot, said board may permit the parking spaces to be on any lot within five hundred (500) feet of the building.

Section Q-16-3-103. Requirement for surfacing, classification and size of off-street parking and loading spaces and aisles - exceptions.

All off-street parking and loading spaces, access and aisles for business, industrial and multiple family districts shall be provided with a pavement or an asphalt surface treatment. Off-street parking in all other districts shall be provided with an all-weather surface. If the surface is not an impermeable surface proper sediment controls shall be in place to capture sediments from the parking area prior to the sediments entering roadside ditch, street, storm sewer or drainage way.

Uses listed in Sections Q-16-3-104 to 106, inclusive, shall provide parking and loading in the amounts specified and at locations specified for the group in which such use falls. For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the proposed use among the used specified herein so as to assure substantially similar treatment. In making any such determination, the Board shall follow the principles set forth in the statement of purpose for the parking and loading provisions.

For the purpose of this ordinance a parking space shall be at least 180 square feet in size and shall be of easily usable and convenient shape, orientation and grade. No space shall be less than 18 feet long or less than 9 feet wide. Each such space shall be readily accessible and aisles required for access to any space shall not be counted in meeting the requirements for spaces. Loading spaces shall be at least 12 feet wide and 60 feet long for industrial and warehouse type uses but may be 12 feet wide and 30 feet long for retail, service and institutional establishments. Aisles adequate to accommodate the maneuvering into position of such vehicles shall be provided accessory to such space or spaces. Specified distances from the principal use for which a parking space is provided shall be measured from the edge of the usable parking space to a normal entrance to the building or use along a convenient and unobstructed pedestrian route.

Required parking spaces for multiple family dwellings shall not be provided within a required front yard or a required side yard at a corner without special permission of the Board of Adjustment.

Section Q-16-3-104. Group A classification and requirements for off-street parking and loading spaces.

Group A: All uses of land and buildings enumerated under Group A shall provide off-street parking and loading space on the same zoning lot as such use or building and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use as hereinafter set forth.

Parking and Loading Space requirements by Group A Use:

Description of Use	Off Street Parking Required	Loading Space Required
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Multiple family dwellings	minimum of 1.3 parking spaces per dwelling unit	None
Multiple family dwelling units containing one bedroom or efficiency units	1.0 parking spaces for each dwelling unit	None
Multiple family dwelling units to be used exclusively for the housing of the elderly, being one or more persons per dwelling unit over 60 years of age	.8 parking spaces per unit	None
Single or Two Family Dwellings	Two parking spaces for each dwelling	None
Boarding, rooming and lodging houses	One for each bedroom	None
Doctor's offices, medical and dental clinics	Four spaces for each medical or dental practitioner	None
Restaurants, beer parlor, taverns, bars, night clubs	One for each 5 seats	One
Retail stores and shops	One for each 300 square feet of floor space, to 10,000 sq. ft., one for each 500 sq. ft. of gross floor space over 10,000 sq. ft.	One
Furniture and appliance sales & furniture and appliance repair	One for each 500 sq. feet of gross sales space and repair space	One
Funeral home and mortuaries	One for each 5 seats in chapel	One
Beauty and barber shops	2 for each operator/None	
Automotive or machinery sales and service garages	One for each 500 sq. feet of floor area	One
Bowling alleys	7 spaces for each alley or one space for each five seats in the attached beer parlor or restaurant	One
Roller and ice rinks, intensive sports and recreation establishments and dance halls	One for each 75 sq. ft. of gross floor area of public space	One
Banks and Credit Unions	One for each 400 sq. feet of floor area	One
Office Buildings with less than 10,000 sq. ft. of floor space	One for each 400 sq. feet of floor area	One

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Section Q-16-3-105. Group B classification and requirements for off-street parking and loading spaces.

Group B: All uses of land and buildings enumerated under Group B shall provide off-street parking and loading on the same zoning lot as such building or use for all customers or patrons frequenting the establishment and said parking, or loading. Space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use. That portion of the parking requirement that is attributed to employees must be provided within 330 feet of the use of building as hereinafter set forth.

Parking and Loading Space Requirements by Group B Use:

Description of Use	Off Street Parking Required	Loading Space Required
Motel or hotel with restaurant and bar	One space for each unit, and 1 space for each 10 seats in restaurant and bar	One
Hotel, motel, club with guest rooms	One space for each unit	One
Hospitals and rest homes	One space for each 3 beds	One
College, fraternities, college sororities	One space for each 2 bedrooms Half of requirements may be off-site	One
Clubs, organization halls.	One space for each 200 sq. ft. of assembly space on-site	One
Office buildings - 10,000 sq. ft. or more	One space for each 500 sq. ft. of gross floor area on-site	One
Wholesale stores with stock of goods (without stock of goods see general office)	One space for each 500 sq. ft. of gross floor area. At least half of requirements shall be on site	One
Warehouses	Four spaces for the first 5,000 sq. ft. of gross floor area, plus one additional space for each additional 5,000 sq. ft. or major fraction thereof, 25% of total requirements shall be on site	One space for the first 5,000 sq. ft. of gross floor area plus one space for each additional 10,000 sq. ft. of gross floor area or major fraction thereof

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Section Q-16-3-106. Group C classification and requirements for off-street parking and loading spaces.

Group C: All uses of land and buildings enumerated under Group C shall provide off-street loading on the same zoning lot as such building or use and such loading space shall have convenient and unobstructed access to said building or use. Parking requirements for customers, patrons, and employees must be provided within 500 feet of said use or building except as hereinafter set forth.

Parking and Loading Requirements by Group C Uses

Description of Use	Off Street Parking Required	Loading Space Required
Auditoriums, stadiums, (except school) theaters, community centers and similar places of public assembly	One space for each 5 seats in the main assembly area, or where no fixed seats are provided, one space for each 50 sq. ft. of main assembly area	One
Churches	One space for each 5 seats in the main assembly area	None
Libraries, museums, and similar uses	One space for each 600 sq. ft. of gross floor area	One
Senior high schools, junior high schools, elementary schools, (including public, parochial and private)	One space for each teacher or employee plus one space for each 50 sq. ft. of seating space in the auditorium or multipurpose room, whichever is larger	One

Manufacturing, freight terminals	4 spaces for each 10,000 sq. ft. of gross floor area or major fraction thereof plus one space for each employee on the largest shift	Sufficient to allow for completely off-street loading operation, but in no event less than required herein for a warehouse
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4 *Section Q-16-3-107 to 199, inclusive. Reserved*

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7 **CHAPTER Q-16 - ARTICLE 4 AGRICULTURAL DISTRICTS**

8

9 *Sections Q-16-4-101 to 13-4-108, inclusive. Agricultural District 1 - General Provisions.*

10

11 *Section Q-16-4-101. Legal boundary descriptions for Agricultural District 1.*

12

13 *To be determined*

14

15

16 Source:

17

18 *Section Q-16-4-102. Statement of purpose for Agriculture District 1.*

19

20 The Agricultural District 1 is designed to preserve agricultural lands from encroachment of incompatible uses and
21 to conserve agricultural resources.

22

23 Agricultural use of land becomes a non-conforming use when the land is zoned for other purposes. This ordinance
24 intends that such non-conforming use be allowed to continue, if continuous. The fact that an agricultural use exists
25 and will be allowed to continue to exist if continuous should be considered by other uses moving into an area.

26

27

28 *Section Q-16-4-103 Permitted Uses.*

29

30 The following uses are permitted in Agricultural District 1 as uses generally associated with the common
31 agricultural uses and are not to be construed as principal permitted or accessory uses.

32

33 1. Uses directly relating to agricultural production and processing practices including processing of products
34 grown on the premises but exclusive of the following:

35

36 a) Commercial meat packing, slaughtering, rendering and related activities.

37

38 b) Commercial animal feed lots with a capacity for more than 400 head of livestock which, however,
39 may be allowed as a conditional use.

40

- 1 2. Farm Feed Lots for animal densities of less than 20 head of livestock per acre and may contain corrals,
2 loading chutes, pasture, feed bunks, water tanks and windbreaks.
- 3 3. Animal shelters with at least one (1) side open and does not exceed 1,000 square feet per shelter.
- 4 4. Grain Bins

5

6 **Section Q-16-4-104. Principal Permitted Uses.**

7

8 The following uses are permitted as the principal use of any parcel of property in the Agricultural District 1.

9

10

- 11 1. Commercial animal feed lots with a maximum capacity of 400 head of livestock.
- 12
- 13 2. Dwellings for single family
- 14
- 15 3. Manufactured home dwellings for single family that are less than 30 years old when placed.
- 16
- 17 4. Outdoor type recreational enterprises which utilize land resources in their natural state, which includes
18 hunting lodges and other similar lodging establishments.
- 19
- 20 5. Riding academies, dude ranches and other farm and ranch type recreational enterprises, golf courses,
21 country clubs, automotive race tracks or driving tracks, golf driving ranges, outdoor theaters and similar
22 commercial recreation enterprises.
- 23
- 24 6. Veterinary clinics.
- 25
- 26 7. Recreational facilities owned or operated by government or by charitable or religious organizations.
- 27
- 28 8. Churches, schools, colleges, rest homes, retirement homes and similar facilities, but to include apartment
29 houses.
- 30
- 31 9. Facilities necessary for the provision of transportation, communication, water, sewer, electrical energy, and
32 natural gas pipeline and their necessary appurtenances.
- 33
- 34 10. Sand and gravel pits.

35
36 Source:

37

38 **Section Q-16-4-105. Accessory uses.**

39

40 The following uses are permitted as accessory to the principal permitted uses in the Agricultural District 1.

41

- 42 1. Facilities common to farm and ranch activities, such as but not limited to agricultural buildings, stables,
43 corrals, winter quarters and similar structures.
- 44
- 45 2. Dwellings, single family, for employees of the principle resident.
- 46
- 47 3. Temporary dwellings, such as camping units, for temporary employees. Occupancy for a maximum of 180
48 days per calendar year.
- 49

- 1 4. Dwellings, multifamily, not to exceed 1000 square feet in size for lodging of seasonal or temporary
2 employees or customers of Lodges. Occupancy for a maximum of 180 days per calendar year. Lodges
3 will require proper licenses and permits.
4
- 5 5. Roadside stands for the sale of products grown on the premises.
6
- 7 6. Home occupations.
8
- 9 7. Sign not over twelve square feet in area identifying the occupants or the activity engaged in on the premises
10 but not including billboards.
11
- 12 8. Accessory uses common to all residential districts.
13

14 ***Section Q-16-4-106. Conditional uses.***

15
16 The following uses are permitted in the Agricultural District 1 after a finding by the Planning & Zoning
17 Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and
18 will not disrupt the appropriate use of land and resources of the county:
19

- 20 1. Commercial feed lots with more than 400 head capacity.
21
- 22 2. Quarters for transient labor.
23
- 24 3. Bituminous hot mix plants, concrete batch plants.
25
- 26 4. Cemetery, crematories, mausoleums.
27
- 28 5. Commercial crop processing plants.
29
- 30 6. Lodges for hunting or similar outdoor recreational activity.
31
32

33 ***Section Q-16-4-107. Space limitations in Ag District 1***

34
35 The following space limitations shall apply to structures and buildings associated with each principal permitted
36 use, each conditional use and each accessory use, except fences and signs:
37

38 **Lot Area Required**

39
40 The minimum parcel size shall be twenty acres.
41

42 **Yard Required**

43
44 Each lot shall have front, side and rear yards not less than the depths or widths following (Setbacks Measured
45 from the Property Line):
46

- 47 1. Front Yard (Setback): Fifty (50) feet. Yard adjacent to road.
48
- 49 2. Rear Yard (Setback): Fifty (50) feet.
50
- 51 3. Side Yard (Space): Twenty-five (25) feet. Except corner lots, where the Side Yard adjacent to the
52 intersecting road shall be the same as the Front Yard.
53

1 4. Minimum Yard (Setback) from State Highway 14/34, 83, & 1806 right of ways shall be Seventy-Five (75)
2 feet measured from Property Line adjacent to highway.

3
4 5.

5
6 6. All uses established in this zoning district shall provide parking and loading space off the public right-of-
7 way in sufficient quantity to accommodate the normal activities of such uses.
8
9

10 ***Section Q-16-4-108. Performance standards.***

11
12 The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition
13 to other provisions applying to the property:
14

15 1. Feed lots, corrals or winter quarters, in which animals are kept at a density over ten head per acre or where feed
16 bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing
17 more than three dogs over six months of age, shall not be closer than three hundred (300) feet from any lot line
18 adjoining properties which are used for residential, business, industrial or recreational purposes.
19

20 2. Feed lots, corrals or winter quarters shall maintain drainage so as to avoid excessive concentration of contaminated
21 water and such drainage shall be so arranged that contaminated water does not drain into water courses in such
22 manner that it reaches neighboring properties at a concentration noticeable to normal senses.
23

24 3. Adequate insect spray shall be applied to all corral and feeding areas as often as necessary to control the insect
25 population.
26

27 4. All dead animals shall be removed within 48 hours.
28
29

30 ***Section Q-16-4-109 to 199, inclusive. Reserved***

31
32 ***Sections Q-16-4-201 to 207, inclusive. Agriculture District 2 - general provisions.***
33

34 ***Section Q-16-4-201. Legal boundary descriptions for Agriculture District 2.***

35
36 **To be determined**
37

38 Source:
39

40 ***Section Q-16-4-202. Statement of purpose for Agriculture District 2.***

41
42 The Agriculture District 2 is to provide an alternative living environment for persons desiring larger acreage than
43 is practical in a city yet generally less acreage than is necessary for agricultural pursuits. It is intended that this
44 district will provide a minimum of public utilities, services or improvements, and a strictly rural type environment as
45 commonly known in terms of open space, odors, noises, dust and self-sufficiency.
46

47 Source:
48

1 **Section Q-16-4-203. Permitted uses.**

2
3 The following uses are permitted in Agricultural District 2 as uses generally associated with the common
4 agricultural uses and are not to be construed as principal permitted or accessory uses.
5

- 6 1. Uses directly relating to agricultural production and processing practices including processing of products
7 grown on the premises but exclusive of the following:
8
9 a) Commercial meat packing, slaughtering, rendering and related activities.
10
11 b) Commercial animal feed lots with a capacity for more than 200 head of livestock.
12
13 2. Farm Feed Lots for less than 10 head of livestock per acre and may contain corrals, loading chutes, pasture,
14 feed bunks, water tanks and windbreaks.
15
16 3. Animal shelters with at least one (1) side open and does not exceed 1,000 square feet each.
17
18 4. Grain Bins

18 **Section Q-16-4-204. Principal permitted uses.**

19
20 The following uses are permitted as the principal permitted use of any parcel of property in the Agricultural
21 District 2.
22

- 23 1. Dwellings, single Family
24
25 2. Manufactured home dwellings for single family that are less than 30 years old when placed.
26
27 3. Riding academies, dude ranches and other farm and ranch type recreational enterprises.
28
29 4. Golf courses and country clubs but not including automotive race tracks or driving tracks, golf driving
30 ranges (except as included in the operation of a golf course or country club of at least nine holes), outdoor
31 theaters or similar commercial recreation enterprises.
32
33 5. Recreational facilities owned or operated by government or by charitable or religious organizations.
34
35 6. Churches, schools, colleges, and other religious or educational facilities.
36
37 7. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy,
38 and natural gas pipelines and their appurtenances.
39

40 Source:
41
42

43 **Section Q-16-4-205. Accessory uses.**

44
45 The following uses are permitted as accessory to the principal permitted uses in the Agricultural District 2.
46

- 47 1. Facilities common to farm and ranch activities, such as but not limited to agricultural buildings, stables,
48 corrals, winter quarters and similar structures
49
50 2. Roadside stands for the sale of products grown on the premises.

- 1
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- 3 3. Sign not over twelve square feet in area identifying the occupants or the activity engaged in on the premises
- 4 but not including billboards.
- 5
- 6 4. Accessory uses common to all residential uses, including Home Occupations.
- 7

8 Source:

9 ***Section Q-16-4-206. Conditional uses.***

10 The following uses are permitted in the Agricultural District 2 after a finding by the Planning & Zoning
11 Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and
12 will not disrupt the appropriate use of land and resources of the county:

- 13
- 14 1. Lodges for hunting or similar outdoor recreational activity.
- 15
- 16 2. Conditional Uses Common to all Residential Districts
- 17

18 ***Section Q-16-4-207. Space limitations.***

19 The following space limitations shall apply to structures and buildings associated with each principal permitted
20 use, and each accessory use, except fences and signs:

21 Building Height Limit

22 No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet in height.

23 Required Lot Area

24 Not less than five (5) acres.

25 Percentage of Lot Coverage

26 All buildings including accessory buildings shall not cover more than twenty-five (25) percent of the area of the lot.

27 Yard Required

28 Each lot shall have front, side and rear yards not less than the depths or widths following (Setbacks Measured
29 from the Property Line):

- 30
- 31 1. Front Yard (Setback): Thirty-five (35) feet. Yard adjacent to the road.
- 32
- 33 2. Rear Yard (Setback): Fifty (50) feet.
- 34
- 35 3. Side Yard (Setback): Twenty-five (25) feet. Except corner lots, where the Side Yard adjacent to the
36 intersecting road shall be the same as the Front Yard.
- 37
- 38 4. Minimum Yard (Setback) from State Highway 14/34, 83, and 1806 right-of-ways shall be Fifty (50) feet
39 measured from the Property Line adjacent to the Highway.
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50 Plat Required

51 A recorded plat is required prior to issuing a building permit for any structure required for a principal permitted use
52 or an accessory use.
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Source:

Section Q-16-4-208. Performance standards.

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Feed lots, corrals, or winter quarters in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months of age, shall not be closer than 300 feet from any line adjoining properties which are used for residential, commercial, manufacturing or recreational purposes.
2. Such feed lots, corrals, or winter quarters shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into watercourses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in such feed lots or corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all the feeding area as often as necessary to control the insect population.
5. All dead animals shall be removed within 24 hours.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, pauch manure, garbage, or other materials which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.

Source:

Section Q-16-4-208 to 299, inclusive. Reserved

Sections Q-16-4-301 to 307, inclusive. Agriculture District 3 - general provisions

Section Q-16-4-301. Legal boundary descriptions for Agriculture District 3.

To be determined

Source:

Section Q-16-4-302. Statement of purpose for Agriculture District 3.

1 The Agriculture District 3 is to provide an alternative living environment for persons desiring larger acreage than
2 is practical in a city yet generally less acreage than is necessary for agricultural pursuits. It is intended that this
3 district will provide a minimum of public utilities, services or improvements, and a strictly rural type environment as
4 commonly known in terms of open space, odors, noises, dust and self sufficiency.

5
6 Source:
7

8 ***Section Q-16-4-303. Permitted uses.***

9
10 The following uses are permitted in Agricultural District 3 as uses generally associated with the common
11 agricultural uses and are not to be construed as principal permitted or accessory uses.

- 12
13 1. Uses directly relating to agricultural production and processing practices including processing of
14 products grown on the premises but exclusive of the following:
 - 15
16 c) Commercial meat packing, slaughtering, rendering and related activities.
 - 17
18 d) Commercial animal feed lots with a capacity for more than 100 head of livestock.
- 19
20 2. Farm Feed Lots for densities less than 5 head of livestock per acre and may contain corrals, loading
21 chutes, pasture, feed bunks, water tanks and windbreaks.
- 22
23 3. Animal shelters with at least one (1) side open and do not to exceed 1,000 square feet each.
- 24
25 4. Grain Bins

26 ***Section Q-16-4-304. Principal permitted uses.***

27 The following uses are permitted as the principal use of any parcel of property in the Agricultural District 3.

- 28
29 1. Single family dwellings
- 30
31 2. Manufactured home dwellings that re less than 30 years old when placed.
- 32
33 3. Riding academies, dude ranches and other farm and ranch type recreational enterprises.
- 34
35 4. Golf courses and country clubs but not including automotive race traces or driving tracks, golf driving
36 ranges (except as included in the operation of a golf course or country club of at least nine holes),
37 outdoor theaters or similar commercial recreation enterprises.
- 38
39 5. Recreational facilities owned or operated by government or by charitable or religious organizations.
- 40
41 6. Churches, schools, colleges, and similar facilities.
- 42
43 7. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical
44 energy, and natural gas pipelines and their appurtenances.

45
46 Source:
47

48 ***Section Q-16-4-305. Accessory uses.***

1 The following uses are permitted as accessory to the principal permitted uses in the Agricultural District 3.

- 2
- 3 1. Facilities common to farm and ranch activities, such as but not limited to agricultural buildings,
- 4 stables, corrals, winter quarters and similar structures
- 5
- 6 2. Roadside stands for the sale of products grown on the premises.
- 7
- 8 3. Sign not over twelve square feet in area identifying the occupants or the activity engaged in on the
- 9 premises but not including billboards.
- 10
- 11 4. Accessory uses common to all residential uses, including Home Occupations.
- 12

13 Source:

14

15 *Section Q-16-4-306. Conditional uses.*

16 The following uses are permitted in the Agricultural District 2 after a finding by the Planning & Zoning
17 Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and
18 will not disrupt the appropriate use of land and resources of the county:

- 19
- 20
- 21 5. Lodges for hunting or similar outdoor recreational activity.
- 22
- 23 6. Conditional Uses Common to all Residential Districts
- 24
- 25
- 26

27 *Section Q-16-4-307. Space limitations.*

28 The following space limitations shall apply to structures and buildings associated with each principal permitted
29 use, and each accessory use, except fences and signs:

30 Building Height Limit

31 No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet in height.

32 Required Lot Area

33 Not less than one acre (1 acre). Some permitted uses may be required to have a larger amount of land under state of
34 South Dakota regulations governing sewage and waste disposal systems.

35 Percentage of Lot Coverage

36 All buildings including accessory buildings shall not cover more than twenty-five (25) percent of the area of the lot.

37 Yards Required

38 Each lot shall have front, side and rear yards not less than the depths or widths as follows (Setbacks Measured
39 from the property line):

- 40
- 41
- 42
- 43 1. Front Yard (Setbacks): Thirty-five (35) feet. Yard adjacent to the road.
- 44
- 45 2. Rear Yard (Setbacks): Fifty (50) feet.
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53

3. Side Yard (Setbacks): Twenty-five (25) feet. Except corner lots, where the Side Yard adjacent to the intersecting road shall be the same as the Front Yard.
4. Minimum Yard (setback) from State Highways 14/34, 83, & 1806 right-of-ways shall be fifty (50) feet measured from the Property Line adjacent to the highway.

Plat Required

A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

Source:

Section Q-16-4-308. Performance standards.

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Feed lots, corrals, or winter quarters in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months of age, shall not be closer than 300 feet from any line adjoining properties which are used for residential, commercial, manufacturing or recreational purposes.
2. Such feed lots, or corrals, shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into watercourses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in such feed lots or corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the corrals and feeding areas as often as necessary to control the insect population.
5. All dead animals shall be removed within 24 hours.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.

Source:

Section Q-16-4-308 to 399, inclusive. Reserved

CHAPTER Q-16 - ARTICLE 5 RESIDENTIAL DISTRICTS

Section Q-16-5 Sections 100-199 Inclusive; General Provisions for ALL RESIDENTIAL DISTRICTS

1 Section Table of Contents
2
3

4 *Sections Q-16-5-101 to 107, inclusive. Uses common to all residential districts - general provisions.*
5
6

7 *Section Q-16-5-100. General statement concerning uses common to all residential districts.*
8

9 There are certain uses which are considered acceptable when found in any residential district when developed
10 according to space limits proper for a particular zone.
11

12 The uses set forth in Section 5-102 to 106, inclusive, are permitted in all residential districts subject to further
13 restrictions or liberalizations which are imposed by a specific district, or when excluded.
14

15 *Section Q-16-5-101. Permitted uses.*
16

- 17 1. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale
18 of any products at retail on the premises.
19
20 2. Parks and recreation areas operated by the city or other political subdivision.
21
22

23 *Section Q-16-5-102. Principal permitted uses.*
24

- 25 1. Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided
26 herein.
27
28 2. Dwellings, Single Family.
29
30
31 3. Public, parochial and private schools and colleges offering courses of general instruction when located on
32 sites of at least five (5) acres, and including convents, monasteries, dormitories and other related living
33 structures when located on the same site as the church.
34
35 4. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature
36 when located in a substantial structure.
37
38 5. Public and quasi-public buildings for cultural uses.
39
40 6. Country clubs as defined herein.
41
42

43 *Section Q-16-5-103. Accessory uses.*
44

45 The following accessory uses are permitted in all residential districts subject to further restrictions or
46 liberalizations which are imposed by a specific district.
47

- 48 1. Off-street parking shall be provided for all uses established in the residential districts.
49

2. Private garages and private areas. Private garages shall not to exceed 2,500 square feet.
3. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances.
4. The parking of one unoccupied trailer designed for recreational use and not to exceed 45 feet in length in the open in a rear or side yard but subject to any permits required by law or ordinance.
5. The storage of up to two pleasure boats in the open in the rear or side yard.
6. Signs not to exceed two (2) square feet in area identifying the premises and occupant, but not including advertising matter. Public, parochial, private schools and colleges, children's homes, churches, synagogues, chapels, and public and quasi-public buildings for cultural use, may have identification signs not to exceed 12 square feet in area.
7. Real estate or sales signs not over 6 square feet in area and relating to the property on which the sign is located.
8. Subdivision signs in subdivisions recorded after passage of this chapter which are non-illuminated and which contain information pertaining only to the subdivision for a period of 4 years following the filing date of the plat or until 75% of the lots have been sold, whichever occurs first, at which time the sign shall be removed. Subdivision signs shall be subject to the space limits of the district in which located and shall not be closer than 75 feet from property owned by other than the developer. The size of the sign shall not be greater than the following:

Sign Size	Number of Lots in Subdivision
40 square feet	3 to 10
64 square feet	11 to 25
80 square feet	26 or more

9. Other accessory uses and structures customarily appurtenant to a permitted use.

Section Q-16-5-104. Conditional uses.

The following uses are conditionally permitted in residential districts.

1. Utility substations when located according to the yard space rules set forth for dwellings and having a landscaped or a masonry barrier on all sides and after a showing before the board that technical considerations necessary to the functioning of said utility requires the location of the facility in a residential district. Structures shall conform with all space limits of the district in which located and shall have an exterior design in harmony with nearby properties.
2. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities, and after a showing before the board that such facilities are necessary in the location proposed.

Section Q-16-5-105. Excluded Uses

1. Raising of animals or fowl for commercial purposes.

1 2. Kennels containing 3 or more dogs or cats over the age of 6 months.
2

3 ***Section Q-16-5-106. Space Limitations and requirements***

4
5 On every corner lot in a residential district there shall be provided on the side street a side yard equal to the front
6 setback of the district in which the lot resides.
7

8 Plat Required

9
10 A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and
11 accessory uses.
12
13

14 ***Section Q-16-5-107. Requirements for conforming single-family dwellings to the regulations of their respective districts.***

15
16 All single-family dwellings shall conform to all regulations of their respective districts.
17

18 ***Section Q-16-5-108 to 199, inclusive. Reserved***

19
20
21 ***Sections Q-16-5-200 to 207, inclusive. Single Family Residential District 1 - general provisions.***

22
23
24 ***Section Q-16-5-200 Legal boundary descriptions for Single Family Residential District 1.***

25
26 To be determined
27

28
29 Source:
30
31

32 ***Section Q-16-5-202. Statement of purpose for Single Family Residential District 1.***

33
34 This residential district is designed primarily for subdivisions which have planned streets and community water
35 supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the District
36 and to encourage a suitable family life environment on moderate sized lots.
37
38

39 ***Section Q-16-5-203. Principal permitted uses.***

40
41 The principal permitted uses common to all residential districts.
42
43

44 ***Section Q-16-5-204. Accessory uses.***
45

1. The permitted accessory uses common to all residential districts.
2. Home occupations.

Section Q-16-5-205. Conditional uses.

The conditional uses common to all residential districts.

Section Q-16-5-206. Excluded Uses

1. The uses declared incompatible and excluded for all residential districts
2. Placement of a Manufactured Home

Section Q-16-5-207. Space limitations.

Building Height Limit

No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet.

Required Lot Area

1. Not less than Twenty thousand (20,000) square feet, for permitted uses located in a subdivision with planned streets and City water supply and City waste water facilities. For religious or cultural uses, one acre is required.
2. For lots built upon before community water and sewage systems are available, required lot area shall be the same as Agriculture District 3.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

Yards Required

Each lot shall have front, side and rear yards of not less than the depths or widths as follows (Setbacks measured from property line):

1. Front yard depth (setback): twenty-five (25) feet, thirty-five (35) feet if on a rural section road.
2. Rear yard depth (setback): twenty-five (25) feet
3. Side yard depth (setback): not less than ten (10) feet. Except corner lots, where the Side Yard adjacent to the intersecting road shall be the same as the Front Yard.
4. Minimum yard depth (setback) from the right-of-way of US Highways No. 14/34, 1806, and 83 shall be 50 feet.

1 *Section Q-16-5-208 to 299, inclusive. Reserved*

2
3

4 *Section Q-16-5-301 to 307, inclusive. One-family Residential District 2 - general provisions.*

5
6

7 *Section Q-16-5-301. Legal boundary descriptions for One-Family Residential District 2.*

8
9

Reserved or to be determined.

10

11 *Section Q-16-5-302. Statement of purpose for One-Family Residential District 2.*

12
13

This residential district is designed primarily for subdivisions which will have planned streets and community water supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the District and to encourage a suitable family life environment on moderate sized lots.

16
17

18 *Section Q-16-5-303. Principal permitted uses.*

19
20

1. The principal permitted uses common to all residential districts,
2. Manufactured Home Dwellings for Single Family less than 20 years old when placed.

21
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23
24

25 *Section Q-16-5-304. Accessory uses.*

26
27

1. The permitted accessory uses common to all residential districts.
2. Home occupations.

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32 *Section Q-16-5-305. Conditional uses.*

33
34

1. The conditional uses common to all residential districts.
2. Fraternity and sorority houses when directly associated with a college or university.
3. Buildings of non-profit community organizations and social welfare establishments other than those providing living accommodations.
4. Manufactured Home Parks granted by a conditional use permit shall comply with all regulations of the Manufactured Home Park District.

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45 *Section Q-16-5-306. Excluded Uses*

46

1 The uses declared incompatible and excluded for all residential districts
2
3

4 *Section Q-16-5-307. Space limitations.*

5
6 Building Height Limit
7

8 No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet.
9

10 Required Lot Area
11

- 12 1. Not less than ten thousand (10,000) square feet, for permitted uses located in a subdivision which will have
13 planned streets and community water supply and community waste facilities. For religious or cultural uses
14 one acre is required.
- 15
16 2. For lots built upon before community water and sewage systems are available, required lot area shall be the
17 same as Agriculture District 3.
18

19 Percentage of Lot Coverage
20

21 All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.
22

23 Yards Required
24

25 Each lot shall have front, side and rear yards not less than the depths or widths following (Setbacks measured
26 from the property line):
27

- 28 1. Front Yard (setback): twenty-five (25) feet, thirty-five (35) feet if located on a rural section road.
29
- 30 2. Rear Yard (setback): twenty-five (25) feet.
31
- 32 3. Side Yard (setback): ten (10) feet. Except corner lots, where the Side Yard adjacent to the intersecting road
33 shall be the same as the Front Yard.
34
- 35 4. Minimum Yard (setback) from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50 feet.
36
37

38 *Section Q-16-5-308 to 399, inclusive. Reserved*
39
40
41
42

43 *Sections Q-16-5-401 to 407, inclusive. Multiple Family Residential District - general provisions.*
44
45

46 *Section Q-16-5-401. Legal boundary descriptions for Multiple Family Residential District.*
47

48 **Reserved or to be determined.**
49

1 **Section Q-16-5-402. Statement of purpose for Multiple Family Residential District.**

2
3 This residential district is designed primarily for subdivisions which will have planned streets and community water
4 supply and community waste facilities. It is designed to stabilize and protect residential characteristics of the District
5 and to encourage a suitable family life environment on moderate sized lots.
6
7

8 **Section Q-16-5-403. Principal permitted uses.**

- 9
10 1. The principal permitted uses common to all residential districts.
11
12 2. Multiple family/living dwellings.
13
14 3. Hospitals and rest homes, nursing homes.
15
16 4. Rooming houses and boarding houses.
17
18 5. Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically
19 excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as
20 a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a
21 business enterprise.
22
23 6. Buildings of non-profit community organizations and social welfare establishments.
24
25 7. The office of one or more professional persons engaged in the activities which generate a limited amount of
26 contact with the general public, but including medical clinics, offices of lawyers, accountants, architects,
27 planners, engineers, and similar professions.
28
29

30 **Section Q-16-5-404. Accessory uses.**

31 The permitted accessory uses common to all residential districts.
32
33
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35 **Section Q-16-5-405. Conditional uses.**

- 36
37 1. The conditional uses common to all residential districts.
38
39 2. Office buildings for the conduct of the administrative business of a single company when such business
40 does not deal with the public directly from the site of such office building.
41
42 3. Mortuaries, funeral homes, and funeral chapels.
43
44 4. Manufactured Home Parks granted by a conditional use permit shall comply with all regulations of the
45 Manufactured Home Park District.
46
47
48

49 **Section Q-16-5-406. Excluded Uses**

- 1 1. The uses declared incompatible and excluded for all residential district.
2

3 ***Section Q-16-5-407. Space limitations.***

4
5 **Building Height Limit**

6
7 No building shall exceed seventy-five (75) feet in height.
8

9 **Required Lot Area**

- 10
11 1. Not less than ten thousand (10,000) square feet, for residential uses located in a subdivision which will
12 have planned streets and community water supply and community waste facilities.
13
14 2. For lots built upon before community water and sewage systems are available, required minimum lot area
15 shall be the same as Agriculture District 3 as well as conforming to this district.
16

17
18 **Lot Coverage**

- 19
20 1. All buildings including accessory buildings shall not cover more than fifty (50) percent of the area of the
21 lot.
22
23 2. Except as otherwise provided, each multiple two or more-bedroom dwellings shall be located on a lot
24 having a minimum of 800 square feet of open space for each dwelling unit housed thereon.
25
26 3. Except as otherwise provided, the open space requirement for multiple family dwellings containing one
27 bedroom or efficiency units shall be seven hundred (700) square feet for each dwelling unit.
28
29 4. Solely for the purpose of determining compliance with lot area per dwelling unit requirements, each
30 lodging room in a group dwelling shall be considered as one-half (1/2) a dwelling unit. No lodging room in
31 a group dwelling shall be included as part of a dwelling unit.
32
33

34 **Yards Required.**

35
36 Each lot shall have front, side and rear yards of not less than the depths or widths following (Setbacks Measured
37 from the Property Line):
38

- 39 1. Front Yard (setback): twenty-five (25) feet, thirty-five (35) if located on a rural section road.
40
41 2. Rear Yard (setback): twenty-five (25) feet, or equal in depth to the height of the building, whichever is
42 greater.
43
44 3. Side Yard (setback) - ten (10) feet, but each side yard shall be equal to one-fourth (1/4) of the height of the
45 building. Except corner lots, where the Side Yard adjacent to the intersecting road shall be the same as the
46 Front Yard.
47
48 4. Minimum Yard (setback) from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50
49 feet.
50

51 **Required Court Dimensions**

52
53 The least dimension of an inner court shall be not less than one-half (1/2) of the height of the building which
54 contains the court.

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Section Q-16-5-408 to 499, inclusive. Reserved

CHAPTER Q-16 ARTICLE 6 BUSINESS DISTRICT

Sections Q-16-6-101 to 109, inclusive. Business District - general provisions.

Section Q-16-6-101. Legal boundary descriptions for the Business District.

To be determined

Source:

Section Q-16-6-102. Statement of purpose for the Business District.

To provide commercial areas for a wide variety of retail and service establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled, the display space required, the method of transport required, and primary dependence on vehicular access.

Source: Ord. 1442, 1999.

Section Q-16-6-103. Principal permitted uses.

The following principal uses, and structures shall be permitted in the Business District:

1. Car wash
2. Drive-in food service
3. Educational facility
4. Financial institution
5. Convenience Store/Gas Station
6. Grocery
7. Hotel/Motel
8. Indoor or outdoor recreation facility
9. Office

- 1 10. Parking facility or lot
- 2
- 3 11. Personal and health service store
- 4
- 5 12. Public transportation facility
- 6
- 7 13. Public utility facility
- 8
- 9 14. Railroad through and spur tracks
- 10
- 11 15. Retail or service store
- 12
- 13 16. Small animal clinics (excluding exterior kennels)
- 14
- 15 17. Other light retail and service establishments approved by the Planning Commission, except those uses
- 16 enumerated in another district.
- 17

18 Source:

21 ***Section Q-16-6-104. Certain uses declared incompatible and excluded.***

22 The following uses are hereby declared incompatible with the purpose of the Business District and are hereby

23 expressly excluded:

- 24 1. Drive-in theaters.
- 25
- 26 2. Warehouses.
- 27
- 28 3. Petroleum bulk storage plants.
- 29
- 30
- 31

32 Source: Ord. No. 1105, 1983.

36 ***Section Q-16-6-106. Accessory uses.***

37 The following accessory uses are permitted, subject to further restrictions or liberalizations which are imposed by

38 a specific district.

39 Other accessories normally appurtenant to uses permitted in this district.

40 Source:

45 ***Section Q-16-6-107. Conditional uses.***

- 46
- 47
- 48 1. Assembly and packaging
- 49
- 50 2. Automobile sales, service & storage

- 1
- 2 3. Building material sales
- 3
- 4 4. Drop-off, buyback or transfer site for recyclables
- 5
- 6 5. Contractor shop and storage yard
- 7
- 8 6. Daycare facility
- 9
- 10 7. Frozen food locker
- 11
- 12 8. Feed & seed store
- 13
- 14 9. Freight handling
- 15
- 16 10. Implement sales & service
- 17
- 18 11. Kennel
- 19
- 20 12. Light manufacturing or processing
- 21
- 22 13. Mixed business/residential use
- 23
- 24 14. Manufactured home parks
- 25
- 26 15. Multiple family dwellings
- 27
- 28 16. Travel Parks

29
30 Source: Ord. 1442, 1999.

31
32
33 ***Section Q-16-6-108. Space limitations.***

34
35 Plat Required

36
37 A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and
38 accessory uses.

39
40 Building Height

41
42 No building shall exceed seventy-five (75) feet.

43
44 Required Lot Area

45
46 Not less than 1 acre. Exceptions: 1) Uses not requiring onsite sewage and waste disposal systems shall have an
47 area not less than ten thousand sq. ft. and 2) Some permitted uses may be required to have a larger amount of land
48 under State of South Dakota regulations governing sewage and waste disposal systems.

49
50 Percentage of Lot Coverage

51
52 All buildings including accessory buildings shall not cover more than eighty (80) percent of the area of the lot.

53
54 Yards required

1
2 Each lot shall have front, side and rear yards of not less than the depth or widths following (Setbacks measured
3 from the Property Line):
4

- 5 1. Front Yard (setback): - forty (40) feet. Yard adjacent to the Road.
- 6
- 7 2. Rear Yard (setback): - twenty (20) feet.
- 8
- 9 3. Side Yard (setback): - twenty (20) feet. Except corner lots, where the Side Yard adjacent to the intersecting
10 road shall be the same as the Front Yard.
- 11
- 12 4. Minimum Yard (setback) from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50
13 feet.
14
15
16

17 ***Section Q-16-6-109. Performance standards.***
18

- 19 5. Multiple family dwellings granted by a conditional use permit shall comply with all regulations of the
20 multiple family district. Only one building for living purposes shall be permitted on one zoning lot except
21 as otherwise provided herein. Conditional uses shall be in conformity with their respective districts.
22
- 23 6. Manufactured Home Parks granted by a conditional use permit shall comply with all regulations of the
24 Manufactured Home Park District.
25
- 26 7. Travel Parks granted by conditional use shall meet all the requirements as set forth in Section Q-14 Travel
27 Parks.
28
- 29 8. Off-street parking and loading shall be provided for all uses established in this district unless otherwise
30 specified herein. All drive-in type restaurants shall provide adequate off-street space for the maneuvering
31 and parking of patrons' vehicles.
32
- 33 9. Automobile repair shops and filling stations shall be subject to the following provisions.
34
 - 35 a. No repair work is performed out-of-doors.
 - 36
 - 37 b. Pumps, lubrication or other devices shall be at least twenty (20) feet from any street line.
 - 38
 - 39 c. All gasoline, liquefied petroleum gas, fuel, oil or similar substances that are for resale shall be
40 stored underground.
 - 41
 - 42 d. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
43
- 44 10. Mixed business/residential uses granted a conditional use permit shall not include the construction of a
45 business building in the yard of a residence or within an existing residence.
46
- 47 11. Transmission towers are limited to 35 feet high.
48
- 49 12. Service or access roads may be required at the discretion of the Planning Commission. Property required to
50 create service or access roads will be provided by the property owner or developer. Service or access roads
51 will be developed to normal city street standards. Service or access that will carry truck traffic will be
52 developed to carry such traffic without pavement or sub-base breakup. The Planning Commission will
53 approve development plans for service or access roads.
54

1 Source:
2
3

4 *Section Q-16-6-110 to 199, inclusive. Reserved*
5
6

7 CHAPTER 16 - ARTICLE 7 INDUSTRIAL DISTRICTS 8 9

10 *Sections Q-16-7-101 to 110, inclusive. Light Industrial District - general provisions.*
11

12 *Section Q-16-7-101. Legal boundary descriptions for the Light Industrial District.*

13 **To be determined**
14
15

16 Source:
17
18

19 *Section Q-16-7-102. Statement of purpose for the Light Industrial District.*
20

21 To provide for a number of light manufacturing, light processing, warehousing and service uses, which are
22 compatible to adjoining districts and which shall be able to meet comparatively rigid specifications as to nuisance
23 free performance.
24
25

26 *Section Q-16-7-103. Principal permitted uses.*
27

28 The following principal uses and structures shall be permitted in the Light Industrial District:
29

- 30 1. Assembly and packaging
- 31
- 32 2. Automobile/heavy truck, equipment sales and service
- 33
- 34 3. Building material sales
- 35
- 36 4. Contractor shop and storage yard (less than 20,000 sq. ft.)
- 37
- 38 5. Feed and seed store
- 39
- 40 6. Freight handling
- 41
- 42 7. Light manufacturing or processing
- 43
- 44 8. Office
- 45
- 46 9. Parking facility or lot
- 47

- 1 10. Printing or publishing
- 2
- 3 11. Public transportation facility
- 4
- 5 12. Public utility facility
- 6
- 7 13. Railroad tracks and facilities
- 8
- 9 14. Storage and warehousing
- 10
- 11 15. Truck stop
- 12
- 13 16. Veterinary
- 14
- 15 17. Wholesale trade
- 16
- 17 18. Other light industrial uses approved by the Planning Commission, except those uses enumerated in another
- 18 district.
- 19

20 Source: Ord. No. 1105, 1983; Ord. 1283, 1991; Ord. 1443, 1999.

21

22

23 ***Section Q-16-7-104. Certain uses declared incompatible and excluded.***

24

25 The following uses are hereby declared incompatible with the purpose of the Light Industrial District and are

26 hereby expressly excluded:

- 27 1. All dwellings
- 28
- 29 2. Drive-in theaters
- 30
- 31 3. Manufactured home parks
- 32
- 33 4. Travel Parks
- 34
- 35 5. Hospitals, clinics, rest homes and other institutions for the housing or care of people.
- 36
- 37 6. Public, parochial and private schools and colleges, except trade schools
- 38
- 39 7. Any use not enumerated as permitted in this District, but which is specifically provided for in another
- 40 district or districts
- 41
- 42

43 Source: Ord. No. 1105, 1983; Ord. 1283, 1991; Ord. 1443, 1999.

44

45

46 ***Section Q-16-7-105. Reserved***

47

48

49

50

51 ***Section Q-16-7-106. Accessory uses.***

52

1 Accessory buildings and uses customarily incidental to any of the permitted uses in the District 1nd provided that
2 such use shall conform to all performance standards set forth for this district.

3
4 Source:
5

6 **Section Q-16-7-107. Conditional uses.**

- 7
8 1. Concrete ready-mix plant
9
10 2. Implement sales & service
11
12 3. Recycling facility
13
14 4. Retail or service store
15
16 5. Temporary recreational use
17

18 Source:
19

20 **Section Q-16-7-108. Performance standards.**

21
22 1. Physical Appearance

- 23
24 a. All operations shall be carried on within an enclosed building except that new materials or
25 equipment in operable condition may be stored in the open.
26
27 b. Normal daily wastes of an inorganic nature may be stored in containers not in a building when
28 such containers are not readily visible from the street.
29
30 c. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or
31 vehicles for sale or the open storage of vehicles, boats, farm machinery, trailers, manufactured
32 homes or similar equipment when in operable condition.
33
34 d. Temporary recreational uses approved as a conditional use shall not involve any appreciable
35 amount of fixed construction and shall not interfere with the efficient functioning of the district for
36 its primary purpose of providing for light industrial uses.
37

38 2. Fire Hazard

- 39
40 a. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or
41 other inherent fire hazards. This provision shall not be construed to prohibit the use of normal
42 heating fuels, motor fuels, and welding gases when handled in accordance with other ordinances
43 of the city.
44

45 3. Noise

- 46
47 a. No operation shall be carried on which involves noise in excess of the normal traffic noise of the
48 adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the
49 property line and when the level of such noise cannot be determined by observation with the
50 natural senses, a suitable instrument may be used and measurement may include breakdown into a
51 reasonable number for frequency changes. All noise shall be muffled so as not to be objectionable
52 due to intermittence, beat frequency, or shrillness.
53

1 4. Sewage and Liquid Waste
2

- 3 a. No operation shall be carried on which involves the discharge into a sewer, water course or the
4 ground of liquid wastes of any radioactive nature, or liquid wastes of any radioactive nature, or
5 liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or
6 corrosive and damaging to sewer pipes and installations.
7

8 5. Air Contaminants
9

- 10 a. Air contaminants and smoke shall be less dark than designated number one on the Ringleman
11 chart as published by the United States Bureau of Mines, except that smoke of a density
12 designated as number one (1) shall be permitted for one 4 minute period in each one-half hour.
13 Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal
14 to or greater than the aforesaid shall not be permitted.
15
16 b. Particulate matter of dust as measured at the point of emission by any generally accepted method
17 shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of
18 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hours, at which time it
19 may equal but not exceed six-tenths grains per cubic foot as corrected to a temperature of 500
20 degrees Fahrenheit.
21
22 c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively
23 covered in this section, there shall be applied the general rule that there shall not be discharged
24 from any source whatsoever, such quantities of air contaminants or other material in such quantity
25 as to cause injury detriment, nuisance or annoyance to any considerable number of persons or to
26 the public in general or to endanger the comfort, repose, health or safety of any such considerable
27 number of persons to cause or have a natural tendency to cause injury or damage to business,
28 vegetation or property.
29

30 6. Air Contaminants, Odor and Gases– As regulated by the Current State Guidelines
31

32 7. Vibration
33

- 34 a. All machines including punch presses and stamping machines shall be so mounted as to minimize
35 vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch
36 measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this
37 district.
38

39 8. Glare and Heat
40

- 41 a. All glare such as welding arcs and open furnaces shall be shielded so that they are not visible from
42 the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning
43 lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.
44

45 Source:
46
47

48 *Section Q-16-7-109. Space limitations.*
49

50 Plat Required
51

52 A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and
53 accessory uses.
54

1 Building Height Limit

2
3 No building shall exceed seventy-five (75) feet in height.

4
5 Required Lot Area

6
7 Not less than 1 acre. Exceptions: 1) Uses not requiring sewage and waste disposal systems shall have an
8 area not less than ten thousand sq. ft. and 2) Some permitted uses may be required to have a larger amount
9 of land under State of South Dakota regulations governing sewage and waste disposal systems.

10
11 Percentage of Lot Coverage

12
13 Entire lot may be covered except as hereinafter otherwise specified.

14
15 Yard Required

16
17 Each lot shall have front, side and rear yards of not less than the depth or widths as follows (Setbacks measured
18 from the Property line):

- 19
20 1. Front Yard - thirty (30) feet. Yard adjacent to the road.
21
22 2. Rear Yard - none required but has to comply with loading zone requirement.
23
24 3. Side Yard - none required. Except corner lots, where the Side Yard adjacent to the intersecting road shall
25 be the same as the Front Yard.
26
27 4. Minimum Yard (setback) from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50
28 feet.

29
30 Source:

31
32
33 *Section Q-16-7-110. Requirements for selected uses.*

- 34
35 1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise
36 specified herein. All drive-in type restaurants shall provide adequate off-street space for the maneuvering
37 and parking of patrons' vehicles and there shall be a sturdy, close-woven or solid fence suitable for the
38 retaining of discarded paper or other materials on all sides of the parking area except the entrance.
39
40 2. Automobile repair shops and filling stations shall be subject to the following provisions:
41
42 a. No repair work is performed out-of-doors.
43
44 b. Pumps, lubricating or other devices shall be at least twenty (20) feet from any street.
45
46 c. All gasoline, liquefied petroleum gas, fuel, oil or similar substances that are for resale shall be
47 stored in accordance with state guidelines.
48
49 3. Transmission towers are limited to 35 feet high.

50
51 Source:

1 *Section Q-16-7-111 to 199, inclusive. Reserved*

2
3

4 *Sections Q-16-7-201 to 209, inclusive. Heavy Industrial District - general provisions.*

5
6

7 *Section Q-16-7-201. Legal boundary descriptions for the Heavy Industrial District.*

8
9

Reserved.

10
11

12 *Section Q-16-7-202. Statement of purpose for the Heavy Industrial District.*

13

14 This district provides for the widest range of industrial operations permitted in the district for location of those
15 industries which have not reached a technical stage in processing which renders them free of nuisance factors or
16 where economics precludes construction and operation in a nuisance free manner.

17
18

19 *Section Q-16-7-203. Principal permitted uses.*

20

21 Any use which can meet the performance standards for this district, except as herein modified. The following
22 uses shall be allowed in this district:

23

24 1. Trucking terminals containing in excess of 4 loading or transfer bays.

25

26 2. The storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature
27 when stored for resale.

28

29 3. Meat packing, slaughtering, eviscerating and skinning.

30

31 4. Poultry killing, plucking and dressing.

32

33 5. Rendering of by-products or slaughtering and killing of animals or poultry.

34

35 6. Yards for the sale, transfer and temporary holding of livestock.

36

37 7. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street
38 or from any adjacent property by a sturdy, sight obscuring fence in good repair, and under the condition
39 that any burning operations be carried on in an enclosed structure provided with such super-heating devices
40 designed to assure complete combustion as may be approved by the zoning administrator. Fencing must
41 also comply with State of South Dakota and Federal Standards.

42

43 8. Billboards.

44

45 Source: Ord. No. 1105, 1983.

46
47

48 *Section Q-16-7-204. Certain uses declared incompatible and excluded.*

49

1 The following uses are hereby declared incompatible with the purpose of the Heavy Industrial District 1nd are
2 hereby expressly excluded:

- 3
- 4 1. Any use which cannot meet the performance standards set forth herein.
- 5
- 6 2. All dwellings and other types of living accommodations shall be prohibited save quarters for a watchman
7 or caretaker shall be permitted as an accessory use for any permitted use.
- 8
- 9 3. Schools and colleges, except trade schools.
- 10
- 11 4. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that
12 medical facilities accessory to any industrial operation shall be permitted.
- 13
- 14 5. Hotels, motel, manufactured home parks and travel parks.
- 15
- 16

17 *Section Q-16-7-205. Accessory uses.*

18 Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with
19 all performance standards set forth for this district.
20
21
22

23 *Section Q-16-7-206. Conditional uses.*

24 Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction
25 and which will not interfere with the efficient functioning of the district for its primary purpose of providing for
26 manufacturing and heavy commercial establishments, may be allowed only upon appeal to the Board of Adjustment.
27
28
29

30 *Section Q-16-7-207. Performance standards.*

31
32 1. Appearance

33 Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets and from
34 adjacent properties by means of a sturdy, sight obscuring fence in good repair. Fencing must also comply
35 with State of South Dakota and Federal Standards.
36
37

38 2. Fire Hazard

39 All flammable substances involved in any activity established in this district shall be handled in
40 conformance with the standards of the National Board of Fire Underwriters, National Fire Protection
41 Association, and any additional regulations of the City of Fort Pierre and Stanley County.
42
43

44 3. Noise

45 All noise and noise causing activities shall be muffled so that they will not create a disturbance greater than
46 normal peak hour traffic on a major street when observed from any area zoned residential. Major street
47 noise from comparison purposes shall be measured on the primary state highway nearest the industry.
48
49

50 4. Sewage and Liquid Wastes

1 No operation shall be carried on which involves the discharge into a sewer, water course or the ground of
2 liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to
3 normal sewage treatment operation or corrosive and damaging to sewer pipes and installations. Any liquid
4 wastes which create heavy loading on the city treatment facility will be subject to pre-treatment by the
5 owner, before being discharged into the city sewer system or by other agreement with the City Council.
6

7 5. Air Contaminants, Odor and Gases– As regulated by the Current State Guidelines
8

9 6. Vibration
10

11 All machines including punch presses and stamping machines shall be mounted so as to minimize
12 vibration. Vibration shall not be so excessive that it interferes with industrial operations on adjacent zoning
13 lots.
14
15

16 *Section Q-16-7-208. Space limitations.*
17

18 Plat Required
19

20 A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and
21 accessory uses.
22

23 Building Height Limit
24

25 No building shall exceed seventy-five (75) feet in height.
26

27 Required Lot Area
28

29 Not less than 1 acre. Some permitted uses may be required to have a larger amount of land under State of South
30 Dakota regulations governing sewage and waste disposal systems.
31

32 Percentage of Lot Coverage
33

34 Entire lot may be covered except as hereinafter otherwise specified.
35

36 Yard Required
37

38 Each lot shall have front, side and rear yards of not less than the depth or widths following (Setbacks measured
39 from the Property Line):
40

- 41 1. Front Yard - thirty (30) feet. Yard adjacent to the road.
- 42 2. Rear Yard - none required but must comply with loading zone requirement.
- 43 3. Side Yard - none required. Except corner lots, where the side yard adjacent to the intersecting road shall be
44 the same as the Front Yard.
- 45 4. Minimum Yard (setback) from the right-of-way of State Highways No. 34, 1804, 83 and 14 shall be 50
46 feet.
47
48
49
50
51
52

1 **Section Q-16-7-209. Requirements for selected uses.**

- 2
- 3 1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise
- 4 specified herein.
- 5
- 6 2. Automobile repair shops and filling stations shall be subject to the following provisions:
- 7
- 8 a. No repair work is performed out-of-doors.
- 9
- 10 b. Pumps, lubricating or other devices shall be at least twenty (20) feet from any street line.
- 11
- 12 c. All gasoline, liquefied petroleum gas, fuel, oil or similar substances that are for resale shall be
- 13 stored underground.
- 14
- 15 d. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
- 16
- 17 3. All on-site advertising signs which are not attached to or made part of a commercial structure shall be
- 18 located on the zoning lot in such a manner that no portion of the sign shall overhang street right-of-way or
- 19 adjoining property. All signs attached to a building or structure shall be 3 feet behind the curb and 8 feet
- 20 above the sidewalk.
- 21
- 22 4. All drive-in type restaurants shall provide adequate off-street space for the maneuvering and parking of
- 23 patrons; vehicles and there shall be a sturdy, close-woven or solid fence suitable for the retaining of
- 24 discarded paper or other materials on all sides of the parking area except the entrance.
- 25
- 26

27 **Section Q-16-7-210 to 299, inclusive. Reserved**

28

29

30 **Sections Q-16-7-301 to 306, inclusive. Industrial park district - general provisions.**

31

32

33 **Section Q-16-7-301. Legal boundary descriptions for the industrial park district.**

34

35 **Reserved.**

36

37

38 **Section Q-16-7-302. Statement of purpose for the industrial park district.**

39

40 This district provides for a limited range of commercial and industrial uses.

41

42

43 **Section Q-16-7-303. Principal permitted uses.**

44

45 Any use which can meet the performance standards of this district.

46

47 Wholesaling, manufacturing, regular activity performed for payment, warehousing, or business of a similar nature

48 subject to the regulations as hereinafter specified.

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Section Q-16-7-304. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the Industrial Park District 1nd are hereby expressly excluded:

- 1. Any use which cannot meet the performance standards set forth herein.
- 2. All dwellings and other types of living accommodations shall be prohibited save that quarters for a watchman or caretaker shall be permitted as an accessory for any permitted use.
- 3. Billboards.

Section Q-16-7-305. Performance standards and requirements for selected uses.

- 1. Any use which may be or may become a nuisance or annoyance by reason of excessive emission of noise, smoke, fumes, odors, vibrations, glare, or similar substances and conditions or by reason of unsightliness shall be prohibited. Standardized measurements taken by standardized methods and equipment shall be used as proof of non-compliance and the cost of said measurements shall be borne by the occupant.
- 2. The storage of all materials and equipment used in connection with the development shall be enclosed within buildings or substantial fences.
- 3. No building or premises shall be used, erected, or altered until and unless a permit for the contemplated development has been secured from the commission. There shall have been filed with the commission a written application for said permit. Said applications shall include the following information:
 - a) The location of present and proposed buildings, parking lots, driveways, and other necessary facilities indicated on a plot plan.
 - b) Preliminary architectural plans for the proposed building or buildings.
 - c) A written description indicating the effects of the industrial operations in producing problems of glare, noise, odor, sewerage, fire hazards, air pollution, or water pollution, or of excessive traffic congestion, or other factors detrimental to the safety, health, and welfare of the area.
 - d) Any other information the commission may deem as necessary to adequately consider the cost of providing municipal services to the area and the effect the proposed uses may have upon the surrounding properties.

Section Q-16-7-306. Space limitations.

Plat Required

A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

Building Height Limit

No building shall exceed two and one-half (2 1/2) stories, or forty-five (45) feet in height.

Required Lot Area

1
2 Individual building sites shall be of such size that the requirements of this chapter are satisfied and be of such size
3 that the development will have architectural unity.

4
5 Industrial park districts shall have a minimum area of at least twenty (20) acres.

6
7 Percentage of Lot Coverage

8
9 All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

10
11 Yards Required

12
13 Each lot shall have front, side and rear yards not less than the depths and widths as follows (Setbacks measured
14 from the Property Line):

- 15
16 1. Front Yard (Setback) - sixty (60) feet. Required front yard shall be landscaped and maintained to provide
17 an attractive setting for the building. Yard Adjacent to the road.
18
19 2. Rear Yard (Setback) - fifteen (15) feet. Where the rear yard abuts a lot in a residential district said rear lot
20 depth shall be thirty (30) feet. Required rear yards shall be landscaped and maintained to provide a pleasant
21 appearance in a well-kept condition.
22
23 3. Side Yard (Setback) - ten (10) feet. Where the side yard abuts a lot in a residential district said yard shall be
24 thirty (30) feet. Except corner lots, where the side yard adjacent to the intersecting road shall be the same as
25 the Front Yard. Required side yards shall be landscaped and maintained to provide a pleasant appearance
26 in a well-kept condition.
27
28

29 *Section Q-16-7-307 to 399, inclusive. Reserved*

30
31
32 **CHAPTER 16 - ARTICLE 8 RIVER-FRONT AND PARK DISTRICT**

33
34 *Section Q-16-8-101 to 199, inclusive. River-front and park district - general provisions.*

35
36 *Section Q-16-8-101. Legal boundary descriptions for the river front and park district.*

37
38 *Section Q-16-8-102. Statement of purpose for the river front and park district.*

39
40 *Section Q-16-8-103. Principal permitted uses.*

41
42 *Sections Q-16-8-104 to 199, inclusive. Reserved.*

1 *Sections Q-16-8-101 to 199, inclusive. River-front and Park District - general provisions.*

2
3

4 *Section Q-16-8-101. Legal boundary descriptions for the river front and Park District.*

5
6 *To be determined – assuming areas immediately adjacent to the rivers and flood prone areas*

7
8 Source:

9
10

11 *Section Q-16-8-102. Statement of purpose for the River Front and Park District.*

12
13 This district is designed to maintain public access to Lake Sharpe for fishing, boating and other recreational
14 activities.

15
16

17 *Section Q-16-8-103. Principal permitted uses.*

- 18
- 19 1. No residential use is permitted.
- 20
- 21 2. Use is limited to parks, recreation, commercial, public building, travel parks, and marine facilities, to the end that
- 22 the entire waterfront may be developed to a coordinated plan.
- 23
- 24

25 *Section Q-16-8-104 to 199, inclusive. Reserved.*

26
27

28 CHAPTER 16 - ARTICLE 9 MANUFACTURED HOME PARKS

29
30

31 *Sections Q-16-9-101 to 105, inclusive. Manufactured Home Parks - general provisions.*

32

33 *Section Q-16-9-101. Districts in which Manufactured Home Parks permitted - procedures for application and issuance*
34 *of permit.*

- 35
- 36 1. Manufactured Home Parks are permitted as a conditional use under Single Family Residential District 2,
- 37 Multi-Family District and Business District.
- 38
- 39 2. No lot or parcel of land shall be used until and unless a permit has been secured from the zoning
- 40 administrator. There shall have been filed with the Zoning Administrator a written application for said
- 41 permit. Said application shall include the following information:
- 42
- 43 a. A plot showing the location of present and proposed buildings, driveways, proposed location of
- 44 units and sanitary conveniences.
- 45

- b. Plans relative to water supply, sewage and garbage.
- c. A copy of the plans and specifications of all proposed buildings.
- d. The location and legal description of the Manufactured Home Park.

Source:

Section Q-16-9-102. Issuance of Manufactured Home Park permit by Zoning Administrator upon certain findings.

Upon the finding by the Zoning Administrator that the proposed Manufactured Home Park will constitute a development of sustained desirability, that it will not result in an over-intensive use of the land, that it will not result in undue traffic hazards, and not otherwise be detrimental to the health, safety and welfare of the one mile extra-territorial limits, the zoning administrator may issue a permit or permits for the proposed manufactured home park. A Manufactured Home Park permit shall expire annually and must be renewed prior to continued occupancy of the park. The permit will not be renewed if the park does not maintain the minimum standards as listed in this chapter.

Section Q-16-9-103. Space limitations.

Plat Required

A recorded plat is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

Building Height Limit

No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet.

Required Area for a Manufactured Home Space

Manufactured home spaces shall be provided, consisting of a minimum of five thousand (5,000) square feet for each space, which shall be clearly defined and marked and single units shall comply with requirements of one family District 2. The minimum area for any manufactured home park shall be one acre.

Yards Required.

1. The front and rear of any manufactured home shall not be located closer than fifteen (15) feet from any other Manufactured home or from any building within the manufactured home park. The side of any manufactured home shall not be closer than fifteen (15) feet from any other Manufactured home or any building within the Manufactured Home Park. All manufactured homes shall be required to be located a minimum of twenty-five (25) feet from all exterior boundaries of the Manufactured Home Park.
2. Manufactured Parks utilizing septic system for each home shall meet the minimum requirements per SDDENR for individual onsite waste water treatment.

Section Q-16-9-104. Requirements for drive-ways, vehicular access and parking, and lighting of Manufactured Home Parks.

1. All manufactured home spaces shall abut upon a driveway of not less than twenty-five (25) feet in width, which shall have unobstructed access to a public street or highway, and the sole vehicular access shall not be by an alley, and all dead-end drive-ways shall include adequate vehicular turning space.

- 1
2 2. All Streets and driveways within the Manufactured Home Park shall be all weather and lighted at night
3 include a lighting plan approved by the zoning administrator.
4
5

6 ***Section Q-16-9-105. Requirements for site drainage and grading, underground wiring, fencing and playgrounds for***
7 ***Manufactured Home Parks.***

- 8
9 1. The Manufactured Home Parks shall be located on a well-drained site, properly graded to insure rapid drainage.
10
11 2. One (1) 5,000 square foot Playground shall be provided for every 20 home sites or portion thereof.
12
13 3. All primary and secondary electrical wiring in the Manufactured Home Park shall be placed underground.
14

15 ***Section Q-16-106 Construction Plans***

16
17 Prior to the construction of the Manufactured Home Park, the owner or operator of the park shall submit
18 construction plans for the park prepared by a professional engineer and approved by the Joint Planning & Zoning
19 and the City. The construction plans shall contain the plan for sanitary sewer and water installation as approved by
20 the SDDENR. The construction plan shall include the plans for road construction to the City standards. A plan for
21 controlling storm drainage, site grading and erosion control shall be included. The construction plans shall also
22 include the lot plan for the units and facilities. The plans shall include sufficient detail and specifications to comply
23 with City standards.
24

25 Prior to issuance of moving permits and building permits for manufactured homes and accessory structures, the
26 owner shall submit Record Drawings prepared and certified by a professional engineer that the manufactured home
27 park was constructed in accordance with the record drawings provided to the City for final approval and acceptance.
28 The roads within the park are considered private roads and shall be maintained to the City standards by the park
29 owner.
30

31 ***Section Q-16-9-107 to 199, inclusive. Reserved***

32
33
34 **CHAPTER 16 - ARTICLE 10 PLANNED UNIT DEVELOPMENT**

35
36 ***Sections Q-16-10-101 to 103, inclusive. Planned Unit Development - general provisions.***

37
38 ***Section Q-16-10-101. Statement of purpose for Planned Unit Developments.***

39
40 The purpose and intent of planned unit development is to permit diversification in the development of the extra-
41 territorial limits of the City of Fort Pierre without in any way jeopardizing or reducing zoning standards which
42 promote the public safety, convenience, health, general welfare, as well as preserve personal and property rights. For
43 this purpose the provisions of this ordinance shall be subject to such exceptions as are provided by the following unit
44 plan regulation.
45
46

1 **Section Q-16-10-102. Requirements and procedures for planned unit housing developments.**

2
3 The owner or owners, of any tract of land comprising an area of not less than two (2) acres may submit to the
4 Joint Planning and Zoning Commission a plan for the use and development of all of the tract of land for residential
5 purposes.
6

7 Prior to a hearing before the Joint Planning and Zoning Commission is held, the developer shall file a report with
8 substantiating evidence stating the reasons the development plan should be approved and specific evidence showing
9 that the proposed development meets the following conditions:
10

- 11 1. That the plan is consistent with the intent and purpose of this ordinance to promote public health, safety,
12 morals and general welfare.
13
- 14 2. That the value of buildings and the character of the property adjoining the area included in such plan will
15 not be adversely affected.
16
- 17 3. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not
18 be less than the lot area per family required for the district in which the development is located.
19
- 20 4. That the building will be used for residential purposes and the customary accessory uses, such as garages,
21 storage space, or community activities including churches.
22

23 After study and public hearing, the Joint Planning and Zoning Commission may recommend to the council the
24 approval or disapproval of the development plan. The council may then authorize the issuance or denial of the
25 building permits and certificates of occupancy therefor even though the use of the land and location of structures do
26 not conform in all respects to the regulations contained in other sections of this ordinance.
27
28

29 **Section Q-16-10-103. Requirements and procedures for planned unit local commercial developments.**

30
31 The owner or owners of any tract of land comprising an area of not less than four (4) acres may submit to the
32 commission a plan for the use and development of all of the tract of land for local commercial purposes. Prior to a
33 hearing before the commission is approved, the developer shall file a report with substantiating evidence stating the
34 reasons the development plan should be approved and specific evidence and facts showing that the proposed
35 development meets the following conditions:
36

- 37 1. That the plan is consistent with the intent and purpose of this ordinance to promote public health, safety,
38 morals and general welfare.
39
- 40 2. That the value of buildings and the character of the property adjoining the area included in such plan will
41 not be adversely affected.
42

43 After study and public hearing, the commission may recommend to the council the approval or disapproval of the
44 development plan. The council may then authorize the issuance or denial of the building permits and certificates of
45 occupancy therefor even though the use of the land and location of structures do not conform in all respects to the
46 regulations contained in other sections of this ordinance.
47
48

49 Section Q-16-10-104 to 199, inclusive. Reserved
50

51 **CHAPTER Q-16-11 THRU Q-16-12 RESERVED**
52

1 CHAPTER Q-16 - ARTICLE 13 CONSTRUCTION CODES

2
3
4 *Section Q-16-13-101 to 108, inclusive. Construction Codes in Extra-territorial area – General Provisions.*

5
6
7 *Section Q-16-13-101. Adoption of a Building Code.*

8
9 There is hereby adopted that a certain building code known as: the International Building Code, the International
10 Residential Code, the International Existing Building Code and the International Property Maintenance Code; all as
11 adopted by the City of Fort Pierre, and the whole thereof except such portions as have been deleted, modified, or
12 amended and as so deleted, modified or amended is now on file in the Finance Officer's and County Auditor's
13 offices. Additional deletions, modifications and amendments may from time to time be made by the City Council
14 and shall be effective upon their adoption and filing with the Finance Officer and County Auditor. The Finance
15 Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and
16 amendments which may be adopted by the City Council as herein provided, and the same shall be available and
17 subject to public inspection at all times.

18
19 Building Permits shall be issued by the City of Fort Pierre Building Official for work performed in the Extra
20 Territorial area.

21
22 Source:
23
24

25 *Section Q-16-13-102. Adoption of the State Electrical Code and rules and regulations of the South Dakota Electrical*
26 *Board.*

27
28 There is hereby adopted that a certain electrical code known as the State Electrical Code as adopted by the South
29 Dakota Electrical Commission and subject to the rules and regulations of said Commission and the whole thereof,
30 except such portions as have been deleted, modified or amended and filed in the Finance Officer's and County
31 Auditor's offices, for the purpose of governing the construction, alteration, materials and appliances used in
32 connection with electrical work and the operation of all electrical apparatus within the extra-territorial area.
33 Additional deletions, modifications and amendments may from time to time be made by the City Council and shall
34 be effective upon their adoption and filing with the Finance Office. The Finance Officer shall keep and maintain a
35 master copy of said code, including all deletions, modifications or amendments which may be adopted by the City
36 Council as herein provided and the same shall be available as herein provided and the same shall be available and
37 subject to public inspection at all reasonable times.

38
39 Source:
40
41

42 *Section Q-16-13-103. Permits issued only to licensed electricians.*

43
44 No permit for the erection, construction, alteration or change of any electric work or wiring shall be issued by the
45 inspector to any individual, firm or corporation except those licensed by the State of South Dakota to engage in
46 business as an electrician. All electricians performing work within the Extra Territorial Area of the City of Fort
47 Pierre shall be licensed with the City of Fort Pierre.

48
49 Source: Ord. No.

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Section Q-16-13-104. Adoption of State Plumbing Code and rules and regulations of the South Dakota Plumbing Commission.

There is hereby adopted that a certain plumbing code known as the State Plumbing Code as adopted by the South Dakota Plumbing Commission and subject to the rules and regulations of said commission, and whole thereof except such portions as have been deleted, modified or amended and filed in the Finance Officer's offices, for the purpose of governing the installation, alteration, materials and appliances used in connection with plumbing work and the operation of all plumbing apparatus within the extra-territorial area. Additional deletions, modifications and amendments may from time to time be made by the City Council and shall be effective upon their adoption and filing with the Finance Officer and County Auditor. The Finance Officer shall keep and maintain a master copy of said code, including all deletions, modifications or amendments which may be adopted by the City Council as herein provided, and the same shall be available and subject to public inspection at all reasonable times.

Source: Ord. No. 1204, 1987.

Section Q-16-13-105. Permits issued only to licensed plumbers.

No permit for the erection, construction, alteration or change of any plumbing work shall be issued by the inspector to any individual, firm or corporation except those licensed by the State of South Dakota to engage in business as a plumber. All plumbers performing work within the Extra Territorial Area of the City of Fort Pierre shall be licensed with the City of Fort Pierre.

Source:

Section Q-16-13-106. Permit required for plumbing work - application - exceptions.

Before commencing any work, the plumber or person doing such work must first obtain from the inspector a written permit.

Provided, however, that no permit shall be required for ordinary repairs to water pipes, faucets, hot water tanks, or for the removal of obstructions in fixtures or piping which are generally known and considered as maintenance work. It is intended that replacement of fixtures where no new fixture is cut into the system shall be considered as maintenance.

Source:

Section Q-16-13-107. Plumbing work commenced within sixty days of permit issuance - limited to work set forth in application.

Work under permit must be started within sixty days from the date of issuance. If, after partial completion, such work is discontinued for a period of six month, the permit shall thereupon become void and no work shall be done at the premises until a new permit shall have been issued.

1 No additional work or additional fixtures other than the work and fixtures designated in the application for such
2 permit shall be done or installed without the approval of the inspector and a new permit must be issued for such
3 additional work or fixtures.

4
5 Source:
6
7

8 *Section Q-16-13-108. Duty to notify inspector of completion of work for inspection - Inspection performed within two*
9 *days.*

10
11 Any plumber or person doing work under the provisions of this chapter shall, when work has been prepared for
12 inspection as provided herein, notify the inspector that such inspection is required, giving the location of the
13 premises and the time such work will be ready for inspection.

14
15 The inspector shall inspect such work within a period of two work days after notification that such work is ready
16 for inspection.

17
18 Source:
19
20

21 *Sections Q-16-13-109 to 199. Reserved.*
22
23

24 CHAPTER Q-16 - ARTICLE 14 SUBDIVISION ORDINANCE

25
26

27 *Section Q-16-14-101 to 110, inclusive. General provisions.*
28
29

30 *Section Q-16-14-101. General provisions.*
31

32 All property not subdivided into lots, blocks and streets within the extra-territorial area beyond the corporate
33 boundaries of City of Fort Pierre shall hereafter be laid out under the direction of the joint City of Fort Pierre -
34 Stanley County Planning Commission or subject to its approval, and no other subdivision will be recognized by the
35 City of Fort Pierre and County of Stanley. This shall also include any re-subdivision of platted lands.

36
37 No officer, agent or employee of the City of Fort Pierre or County of Stanley shall perform or cause to be
38 performed, any construction or maintenance upon any street or public way purported to be dedicated as a public
39 street or public way by virtue of being shown as a plat, unless such plat shall have been approved as provided by
40 these regulations or the plat is in existence and duly filed with the County Register of deeds prior to the
41 establishment of these ordinances.
42

43 No officer, agent or employee of the City of Fort Pierre or County of Stanley shall issue or cause to be issued, any
44 building permit of construction or maintenance of any structure upon any property by virtue of being shown as a
45 plat, unless such plat shall have been approved as provided by these regulations or the plat is in existence and duly
46 filed with the County Register of deeds prior to the establishment of these ordinances.
47
48

1 Source:
2

3 **Section Q-16-14-102. Definitions.**
4

5 For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

- 6 1. "Agriculture" - shall mean the science of cultivating soil or producing crops or raising livestock for
7 personal livelihood.
8
- 9 2. "Alley" - shall mean a minor Right of Way used primarily for vehicular service to the rear or side of
10 properties otherwise abutting on a street.
11
- 12 3. "Arterial Streets" – shall mean a street that has moderate to high traffic volumes and is continuous thru
13 several zoning districts. Arterial Streets connect local and collector streets to the state highway system.
14 Arterial Streets are designed not to allow access directly from the adjacent properties and no on street
15 parking is permitted.
16
- 17 4. "Building Line" - shall mean a line on the property that is setback from the property lines that identifies an
18 area where the building may be constructed.
19
- 20 5. "City" - shall mean the City of Fort Pierre, South Dakota, together with all its governing and operating
21 bodies.
22
- 23 6. "City Council" - shall mean the duly elected governing body of the municipality.
24
- 25 7. "Collector Street" - shall mean a street that has low to moderate traffic volume and moves the traffic from
26 local streets to arterial streets. Collector Streets are designed allow access directly from the adjacent
27 properties to the street and allow on street parking.
28
- 29 8. "County" - shall mean Stanley County, South Dakota, together with all its governing and operating bodies.
30
- 31 9. "County Commission" - shall mean the duly elected governing body of the county.
32
- 33 10. "Cul-De-Sac" - shall mean a short minor street having but one vehicular access to another street and
34 terminated by a vehicular turn-around.
35
- 36 11. "Dead End Street" - shall mean a street other than a cul-de-sac with only one outlet and no turn-around.
37
- 38 12. "Developer" – shall mean any person, group, corporation or entity that improves or makes improvements to
39 the land or property. The person, group, corporation or entity who desires to make improvements to the
40 land adjacent to an unimproved street shall be deemed the developer of the street.
41
- 42 13. "Engineer" - shall mean the City's Engineer, or his duly authorized representative.
43
- 44 14. "Extra Territorial Plan" - shall mean the plan or series of plans for the future development of Stanley
45 County and approved, as may be required, as the guide for future development. Such plan may also be
46 called by such descriptive terms as a master plan, a comprehensive plan, community plan, or a development
47 plan.
48
- 49 15. "Final Plat" - shall mean any plat of any lot or lots, tract, or parcel of land that has been approved by the
50 City to be recorded by the Register of Deeds of Stanley County.
51
- 52 16. "Half Street" - shall mean a roadway of which only a portion of its right-of-way width has been platted.
53

- 1 17. "Local Street" - shall mean a street that is has low to moderate traffic volume and moves the traffic from
2 abutting properties to collector streets and arterial streets. Local Streets are designed allow access directly
3 from the adjacent properties to the street and allow on street parking.
4
- 5 18. "Major Street" - shall mean a high volume Collector Street or Arterial Street that is a principal traffic
6 thoroughfare more or less continuous across the City which are intended to connect remote parts of the
7 City, or areas adjacent thereto, and act as principal connecting street with State and Federal Highways.
8
- 9 19. "Minor Street" – shall mean a low volume Local or Collector Street that is short in length and connects to a
10 higher volume Collector or Arterial Street.
11
- 12 20. "Planning Commission" or "Zoning Commission" shall mean the official Joint City of Fort Pierre-Stanley
13 County Planning and Zoning Commission.
14
- 15 21. "Preliminary Plat" - shall mean any plat of any lot, tract or parcel of land that is not to be a plat of record,
16 but is only a proposed division of land for review and study by the Planning Commission.
17
- 18 22. "Re-Subdivision" - shall mean the re-subdivision of any part of all or any block or blocks of a previously
19 platted subdivision, addition, lot or tract.
20
- 21 23. "Shall" - whenever used in this ordinance will be interpreted in its mandatory sense.
22
- 23 24. "Street - means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway,
24 throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
25
- 26 25. "Street Width" - shall mean the shortest distance between the back of curb on one side and the back of curb
27 on the opposite side or the outer limits of pavements including the shoulders.
28
- 29 26. "Subdivider" - shall mean any person, group, corporation, or other entity, or any agent thereof, dividing or
30 proposing to divide lands so as to constitute a subdivision.
31
- 32 27. "Subdivision" - shall mean any division of any lot, tract or parcel of land into two (2) or more lots or sites
33 for the purpose, whether immediate or future, of sale or of building development. It also includes re-
34 subdivision or re-platting of land, lots or tracts. Divisions of land for agricultural purposes in parcels of ten
35 (10) acres or more shall not be included within this definition, unless any such division of ten (10) acres or
36 more includes the planning or development of a new street or access easement.
37
- 38 28. "100 Year Storm" - A storm or precipitation event which has a one percent probability of occurring in any
39 one year, also called the 100-year storm event.
40
- 41 29. "10 Year Storm"- A storm or precipitation event which has a ten percent probability of occurring in any
42 given year, also called the 10-year storm event. The underground storm sewer system, at a minimum, shall
43 be designed for a 10 year storm event.
44
- 45 30. "2 Year Storm" – A storm or precipitation event which has a fifty percent probability of occurring in any
46 given year, also called a 2 year storm event. All erosion control measures implemented shall be designed
47 for a minimum of a 2 year storm event.
48
- 49 31. "25 Year Storm" – A storm or precipitation event which has a four percent probability of occurring in any
50 given year, also called a 25 year storm event. All open ditch storm sewer and road side ditches at a
51 minimum, shall be designed for a 25 year storm event.
52

53 Source:
54
55

1 *Section Q-16-14-103. Procedure.*

2
3 A. Pre-Application Procedure.

4
5 Prior to the filing of a preliminary plat, the subdivider or developer shall consult with the Zoning Director
6 concerning the ultimate land use of the proposed development, the suitability of the location of the proposed
7 subdivision, the most advantageous subdivision plan, the arrangements of streets, alleys, and lots, and the layout of
8 utility lines.
9

10 For subdivisions and developments containing more than three lots or contain a street or utility improvements, the
11 subdivider or developer shall prepare a Sketch Plan containing the information listed below for submittal to the Joint
12 Planning and Zoning Commission for consideration. Conditional approval as to the general land use of the proposed
13 subdivision must be obtained from the Joint Planning & Zoning Commission prior to preparation of the preliminary
14 plat.
15

16 Sketch Plans submitted to the Joint Planning and Zoning Commission may be prepared in pen or pencil and shall be
17 drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following
18 information:
19

20 Name of subdivision if property is within an existing subdivision or proposed name if not within a previously
21 platted subdivision. The name shall not duplicate the name of any plat previously recorded.
22

23 Ownership including name, address, and telephone number of legal owner and agent, if any, of the property, and
24 citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving
25 grantor, grantee, date, and land records reference.
26

27 Include the name address , telephone number and other contact information of the subdivider or developer if
28 they are not the legal owner of the property. The owner of the property must provide a letter authorizing the
29 developer or subdivider to act on the behalf of the owner.
30

31 Citation of any existing legal rights-of-way or easements affecting the property.
32

33 Existing covenants on the property if any.
34

35 Name and address, including telephone number, of the professional person(s) responsible for subdivision
36 design, for the design of public improvements and for surveys.
37

38 Physical description of the location of the property by government lot, section, township, range and county,
39 graphic scale, north arrow, and date.
40

41 Features included in Sketch Plan include:
42

- 43 1. Location of property lines, existing easements, burial grounds, section lines, railroad rights-of-way,
44 watercourses, and existing wooded areas of trees eight (8) inches or more in diameter, measured twelve
45 (12) inches above ground level; location, width, and names of all existing or platted streets or other public
46 ways within or immediately adjacent to the tract; location of floodways or flood hazard areas; names of
47 adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter
48 boundary of the subdivision.
49
- 50 2. Location and sizes of existing sewers, water mains, culverts, and other underground structures within the
51 tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately
52 adjacent to the site and existing public and private utility rights-of-way.
53
- 54 3. The approximate location and widths of proposed streets.
55

1 4. The approximate location of water distribution system, sanitary sewer collection system and storm water
2 system.

3
4 5. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or
5 alternative means of providing water supply and sanitary waste treatment and disposal; preliminary
6 provisions for collecting and discharging surface water drainage.

7
8 The approximate location, dimensions, and areas of all proposed and existing lots.

9
10 The location of temporary stakes to enable the Planning and Zoning Commission to find and appraise
11 features of the Sketch Plan in the field.

12
13 The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or
14 playground use or other public use, or for the common use of property owners in the proposed subdivision.

15
16 Certifications (owner, Treasurer, Equalization, etc.).

17
18 Whenever the Sketch Plan covers only a part of an applicant's development plan, the applicant shall
19 submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the
20 proposed subdivision area, together with its proposed street system, and an indication of the probable
21 future street and drainage system of the remaining portion of the tract.

22
23
24 B. Preliminary Plat.

25
26 An application, in writing, for the tentative approval of the preliminary plat, together with six (6) prints, shall be
27 filed with the Joint Planning & Zoning Commission at least two (2) weeks before the meeting of the Joint Planning
28 & Zoning Commission, if the plat is to be acted upon at such meeting. The preliminary plat shall show the
29 following:

- 30
31 1. The proposed name of the subdivision.
32
33 2. North point, scale, and date.
34
35 3. The names and addresses of the sub-divider and of the engineer or surveyor.
36
37 4. The tract designation and other description according to the real estate records of the City or County
38 Auditor and Recorder.
39
40 5. The boundary lines (accurate in scale) of the tract to be subdivided.
41
42 6. Contours with intervals of ten (10) feet or less referred to sea level may be required by the Planning
43 Commission.
44
45 7. The location, width, and names of all existing platted streets or other public ways within or adjacent to the
46 tract, existing permanent buildings, railroad rights-of-way, and important features such as section lines,
47 political subdivision or corporate lines.
48
49 8. All parcels of land intended to be dedicated for public use.
50
51 9. The layout, names, and widths of proposed streets and the layout and widths of alleys and easements.
52
53 10. The layout, numbers and approximate dimensions of proposed lots.
54
55 11. On a separate sheet, the proposed uses of land within the subdivision and layout of the sanitary sewer
56 system including pipe size.

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12. A certificate of intent to comply with the Sediment and Erosion Control Standards of Stanley County Conservation District. The Sediment and Erosion Control Standards shall be reviewed by the Stanley County Conservation District.
 13. A preliminary drainage and grading plan which generally shows the existing drainage pattern for the area with any proposed cut and fill operations which would alter the existing drainage pattern and shows existing structures which may limit the flow in route to the major drainage way. The drainage plan should also illustrate the discharge route from point of collection to outlet. Any improvements to the drainage facility required because of the full development plan at the subject subdivision shall be noted.
 14. The developers shall provide the City with a Soil Engineering Report and an Engineering Geology Report as hereafter defined:
 - a. Soils Engineering Report. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
 - b. Engineering Geology Report. The engineering geology report shall include an adequate description of the geology of the site including groundwater conditions, surface runoff, and flood plains, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading as affected by geologic factors.
 - c. The reports may be combined if the authors are qualified to address both engineering subject.

27 C. Final Plat.

28
29 Six (6) copies, one in ink on linen tracing cloth, or approved film, of the final plat shall be filed with the Planning
30 Commission at least two (2) weeks prior to the meeting at which approval is requested. The City Council and the
31 County Commission must approve all final plats, and their action is final, regardless of the action taken by the
32 Planning Commission. The final plat shall be drawn to scale as large as possible on a sheet 15" x 26" and shall show
33 the following:

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1. The boundary lines with accurate distances and angles, the exact location and width of all existing or recorded streets intersecting and boundary of the tract.
 2. Angles and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines, accurately tied to the lines of the subdivision by distances and angles.
 3. An accurate location of the subdivision in reference to the real estate records of the County.
 4. The exact layout including:
 - a. Street names.
 - b. The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - c. All easements for rights-of-way provided for public services or utilities, drainage easements for surface and subsurface drainage facilities, and any limitations of the easements. Limitations for surface drainage easements shall include prohibition of structures, fences, and landscaping other than grass for designated drainage ways.
 - d. All lot numbers and lines with accurate dimensions in feet and tenths.

- 1
- 2 5. The accurate location, material, and approximate size of all monuments.
- 3
- 4 6. The accurate outline description of all property offered for dedication for public use with the purpose
- 5 indicated thereon.
- 6
- 7 7. Proposed name of the subdivision.
- 8
- 9 8. Name of the sub-divider.
- 10
- 11 9. North point, scale, and date.
- 12
- 13 10. Certification by a registered land surveyor to the effect that the plan represents a survey made by him and
- 14 that all monuments shown thereon actually exist, and that their locations are correctly shown.
- 15
- 16 11. A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever,
- 17 signed and acknowledged before a Notary Public by the owner of the land and a complete and accurate
- 18 description of the land subdivided and the streets dedicated.
- 19
- 20 12. All other certificates required by state laws.
- 21

22 The following items shall be filed with the Joint Planning & Zoning Commission at the same time as the final plat.

- 23
- 24 1. A plan and profile shall be submitted to the Zoning Administrator on a sheet 24" x 36" of each street with
- 25 top of curb grades shown. Scales shall be as approved by the Zoning Administrator.
- 26
- 27 2. The cross-section of proposed streets showing the width of roadways.
- 28
- 29 3. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated.
- 30
- 31 4. A drainage plan showing the proposed drainage ways, storm sewer systems, and identification of flood
- 32 plains. For drainage ways, the plans shall include calculation of the rainfall duration and intensity,
- 33 calculations for peak flow within the development (100 year and 10 year storm events), the acreage, the
- 34 calculated volume of flow for the tributary drainage basin, the velocity of flow in the drainage way, and the
- 35 100-year flood elevations along the drainage way. For internal drainage in the development, the plan shall
- 36 include the flow into the development, the flow out of the development, and the approximate layout of the
- 37 storm drainage system. The drainage plan shall provide the location of open channels, bridges, culverts,
- 38 storm sewers, pond areas, and the location and size of easements for the drainage system. The proposed
- 39 channel and/or pipe sizes, grades, and the approximate inlet locations and outlet connections shall be
- 40 shown. The plan shall include a discussion and analysis of downstream and upstream facilities as shown on
- 41 the route outlet map, and a discussion and analysis of drainage problems and solutions. When evaluating
- 42 the drainage from the proposed subdivision, the developer must assume that the existing storm sewers,
- 43 channels and other storm water facilities located downstream are at full capacity. The discharge from the
- 44 development must not exceed the volume or rate of discharge prior to development. This may be
- 45 accomplished by the use of storm water detention ponds, underground storage, or other methods
- 46 satisfactory to the Zoning Administrator. The proposed method shall detain storm water originating in the
- 47 development until such a time as the existing system can accommodate the runoff.
- 48
- 49 5. Three (3) sets of plans, one which is reproducible, for roadway construction, sanitary sewer, and storm
- 50 sewer, prepared by a registered civil engineer, shall be filed with the City prior to any construction in the
- 51 subdivision. A land use plan of the subdivision and a community drainage plan shall also be submitted.
- 52
- 53 6. A Sediment and Erosion Control Plan which complies with the Sediment and Erosion Control Standards of
- 54 the Stanley County Conservation District. The Sediment and Erosion Control Standards shall be enforced
- 55 by the City of Fort Pierre and Stanley County.
- 56

1 Source:
2
3

4 **Section Q-16-14-104. Design Standards.**
5

6 A. Streets.
7

- 8 1. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to that
9 of the existing and planned streets, to topographical conditions, to the public convenience and safety, and in
10 their appropriate relation to the proposed uses of the land to be served by such streets. Streets shall
11 conform to the most current versions of the Fort Pierre Standard Specifications for Construction, AASHTO
12 Manual and design guidelines provided by the South Dakota Department of Transportation.
13
- 14 2. Where such is not shown in the general plan for the community, the arrangement of streets in a subdivision
15 shall either:
 - 16 a. Provide for the continuation or appropriate projection of existing principal streets in surrounding
17 areas; or
 - 18 b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet
19 a situation where topographical or other conditions make continuance or conformance to existing
20 street impracticable.
21
22
- 23 3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way,
24 the Planning Commission may require a street approximately parallel to and on each side of such right-of-
25 way, at a distance suitable for the appropriate use of the intervening land.
26
27
- 28 4. Streets shall be laid out so that they shall intersect at right angles or near right angles.
29
- 30 5. Street right-of-way widths shall be as shown in the Street Plan for the extra-territorial limits. Street Type
31 and classification shall be designated by the Zoning Administrator.
32
- 33 6. Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in
34 conformance with the other requirements of these regulations and where the Planning Commission finds it
35 will be practicable to require the dedication of the other half when the adjoining property is subdivided.
36 Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining
37 half of the street shall be platted within such subdivision.
38
- 39 7. Dead end streets or cul-de-sacs designed to be permanent, shall not be longer than one thousand (1000)
40 feet. No street shall dead end without a turn around.
41
- 42 8. Street grades shall be established with regard to topography, proposed land use, and the existing
43 Community Drainage Plan and facilities in the area surrounding the land to be subdivided.
44

45 B. Alleys.
46

- 47 1. Alleys shall be provided in all districts where the Planning Commission deems they are necessary to assure
48 service access such as off-street loading, unloading, and parking consistent with and adequate for the uses
49 proposed.
50
- 51 2. The minimum width of an alley shall be twenty (24) feet in industrial and commercial areas and sixteen
52 (20) feet in residential areas.
53

- 1 3. Alley intersections and sudden changes in alignment shall be avoided, but where necessary, corners shall be
2 cut off sufficiently to permit safe vehicular movement.
3

4 C. Easements.
5

- 6 1. Easements across lots or centered on rear or side lot lines shall be provided for utilities when necessary and
7 shall be at least ten (10) feet wide, five (5) feet on each side of the respective lot lines.
8
9 2. Where a subdivision is bounded by a watercourse, drainage way, channel, or stream, there shall be
10 provided a storm water easement or drainage right-of-way conforming substantially the lines of such
11 watercourse, and such further width or construction, or both, as will be adequate for the purpose as
12 approved by the Zoning Administrator.
13

14 D. Blocks.
15

- 16 1. The lengths, widths and shapes of blocks shall be determined with regard to:
17
18 a. Provision of adequate building sites suitable to the special needs of the type of use proposed.
19
20 b. Zoning requiring as to lot size dimensions.
21
22 c. Needs for convenient access, circulation, control and safety of traffic.
23
24 d. Limitations of topography.
25

26 E. Lots.
27

28 The lot size, width, depth, and orientation, and the minimum building setback lines shall meet minimum zoning
29 requirements of the zoning in the extra-territorial area of the City of Fort Pierre and shall be appropriate for the
30 location of the subdivision and for the type of development and use proposed. Lots shall be shaped to provide
31 minimum buildable area that will permit the placement of a 50 feet diameter circle or a 30 feet x 60 feet rectangle
32 with the long side parallel to the road within the setbacks. Lots not able to meet these criteria will be considered not
33 buildable and clearly identified on the plat as "Not Buildable".
34

35 Source:
36

37 ***Section Q-16-14-105. Improvements to be made by sub-divider.***
38

39 Before final approval of a plat is given, the sub-divider must provide a bond with corporate surety, or other
40 assurance satisfactory to the City, which will assure the improvements required by the sub-divider will be completed
41 according to the following timetable:
42

43 When the building permits have been issued for 50% of any 500-foot segment of street within the plat, the developer
44 shall complete the application of approved pavement according to City specifications and within one year of
45 meeting the threshold stated above.
46

47 A. Roadway Construction.
48

- 49 1. All streets constructed shall be of the widths required in the Fort Pierre Standard Specifications for
50 Construction.
51
52 2. The right-of-way shall be graded for their full width to provide suitable finish grades for streets, ditches,
53 sidewalks, access to adjacent properties and other road side amenities.
54

- 1 3. The rural streets shall be constructed with 10 feet wide ditches and 5% cross slope away from the road.
2 Ditch slopes shall not be flatter than 1%. The inslopes shall not be steeper than four (4) feet horizontal for
3 each one (1) foot vertical and at least Three (3) feet deep. The back slopes shall not be steeper than three
4 (3) feet horizontal to one (1) foot vertical. The streets will be graveled with a minimum of six (6) inches of
5 crushed gravel meeting City specifications. Ditches shall be graded with a minimum slope of 1%.
6
- 7 4. Urban Streets shall be constructed to the specified width with center line crowned to 2% minimum slope to
8 the curb and gutter located at the pavement edges. The street and curb and gutter profile shall slope no less
9 than 1%.

10
11 B. Storm Sewer.

- 12
13 1. An adequate storm sewer system consisting of inlets, pipes, ditches and other drainage structures with
14 approved outlets shall be constructed so as to prevent erosion from occurring.
15
- 16 2. All approaches on rural section roads will be constructed with culverts placed at the lowest point in the
17 ditch cross section where it is necessary to maintain road ditch drainage. Culverts shall be placed at the
18 lowest point in the ditch and be a minimum 18" in diameter. The approach centerline profile shall contain
19 a sag curve located a minimum of 10 feet from road pavement edge.
20

21 C. Monuments and Markers.

- 22
23 1. Survey reference markers shall be a minimum of one-half (1/2) inch reinforcing bar and three (3) feet long
24 with cap stating surveyor's registration number. These markers shall be placed on all boundary corners and
25 block corners. The markers shall be set at such an elevation so that they will not be disturbed during
26 construction and marked by a 2" x 2" wooden guard stake.
27
- 28 2. Lot markers shall be a minimum of one-half (1/2) reinforcing bar, twenty-four (24) inches long with cap
29 stating surveyor's registration number, and shall be placed at all lot corners flush with the ground, or
30 countersunk if necessary, in order to avoid being disturbed and marked by a 1" x 2" wooden guard stake.
31

32 D. Sanitary Sewer.

33
34 If a community sewer system with a separate treatment facility or a community sewer system connected to the
35 City sewer system is proposed, the sanitary sewers shall be provided to adequately serve the subdivision and
36 conform to the City sewer plan and be constructed in accordance with the Fort Pierre Standard Specifications for
37 Construction.
38

39 In subdivisions where buildings on a single lot are to be served by septic tanks, the size of lots shall be
40 sufficiently large to meet the minimum requirements of the zoning district in which it is located to accommodate
41 adequate drainage fields. Septic tanks shall meet all local and state requirements.
42

43 E. Water Supply.

44
45 If a community water system or water supplied by the City is proposed, the water lines in the street and service
46 lines to each lot shall be completed and compatible with the City water supply system. In the event water is to be
47 supplied by wells to serve a single lot, lot sizes shall be large enough so as to assure that there will be no conflict
48 between sewage disposal and water supply. The practicality of safe water supply by this method shall be approved
49 by local and state authorities.
50

51 F. Utility Services.

52
53 All service for utilities shall be made available for each lot in such a manner as will eliminate the necessity for
54 disturbing the street gravel and drainage structures when connections are made.
55

56 Source:

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Section Q-16-14-106. Variances.

A. Hardship.

Where the Joint Planning & Zoning Commission finds there are extraordinary hardships resulting from strict compliance with these regulations, they may recommend to the City Council alteration of the regulations so that substantial justice may be done and the public interest secured; provided that such alteration will not have the effect of nullifying the intent and purpose of the general plan of the Community or these regulations. Such variances and modifications as may be granted under this section by the City Council.

B. Conditions.

In granting variances and modifications, the Joint Planning & Zoning Commission may recommend to the Council such conditions as it may, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Source:

Section Q-16-14-107. Penalties.

Violations of any provision or provisions of this subdivision ordinance by any sub-divider shall constitute a misdemeanor and upon conviction of such violation there shall be imposed a fine not exceeding one hundred dollars (\$100.00) and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provision of this ordinance, each officer, agent and/or employee in any way responsible for such violation thereof shall be individually and severally liable for the penalties therein prescribed.

All fines must be paid prior to final Plat approval or transfer of ownership. Failure to pay the fines assessed for violations of the Ordinances within 30 days of the fine assessment, the fines shall be assessed to the property in the form of a special assessment and payable with the property taxes.

Source:

Section Q-16-14-108. Validity.

If for any reason any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be held invalid, it shall not affect the remaining provisions of this, or any other ordinance of the City or County, to which these rules and regulations relate.

Source:

Section Q-16-14-109. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Source:

1 *Section Q-16-14-110. Effective Date.*

2

3 The subdivision regulations shall take effect the _____ day of _____, 2017.

4

5 Source:

6

7

8 *Sections Q-16-14-111 to 199, inclusive. Reserved.*

9

10

DRAFT