

ORDINANCE NO. 278

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF VALLEY SPRINGS, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALLEY SPRINGS, SOUTH DAKOTA:

That this Ordinance establishes zoning regulations for the City of Valley Springs, South Dakota, with such regulations being set forth in the document titled Zoning Regulations; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance or parts thereof in conflict with this Ordinance.

First Reading: September 9, 2003

Second Reading: September 16, 2003

Publication Date: September 24, 2003(Publish in the minutes of the meeting)

Effective Date: October 21, 2003

Mayor, City of Valley Springs ATTEST: Finance Officer, City of Valley Springs

ARTICLE 1

GENERAL PROVISIONS

Chapter 1.01 TITLE AND APPLICATION

1.01.01 Title. This ordinance shall be known and referred to as "The Zoning Ordinance of the City of Valley Springs, South Dakota." This ordinance shall include any and all provisions of the document titled Zoning Regulations, which is adopted by reference as a part of this ordinance.

1.01.02 Jurisdiction. The provisions of this ordinance shall apply to all territory within the boundaries of the City of Valley Springs, South Dakota, as established on the *Official Zoning Map of the City of Valley Springs*.

1.01.03 Intent. This ordinance has been prepared in accordance with a Comprehensive Plan for the City and is designed to coordinate physical development of the community with needs for public services and facilities, and to conserve the value of real estate by encouraging the most appropriate use of land.

Chapter 1.02 ORDINANCE PROVISIONS

1.02.01 Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

1.02.02 Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions established in the granting of Variances or Conditional Uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be subject to the penalties established by South Dakota Law. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure or premises, any architect, builder, contractor, agent or other person who commits, maintains, assists in or participates in such violation may be found guilty of a separate offense and suffer the penalties provided.

1.02.03 Separability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part other than the part so declared to be unconstitutional or invalid.

1.02.04 Repeal of Conflicting Ordinances. All prior ordinances or parts of prior ordinances in conflict with this ordinance are hereby declared repealed.

1.02.05 Effective Date. These regulations shall be in full force and effect from and after their passage,

approval, publication and effective date of the Zoning Ordinance of the City of Valley Springs, as provided for by South Dakota law.

Chapter 1.03 OFFICIAL ZONING MAP

1.03.01 Adoption of Official Zoning Map. The Official Zoning Map for the City of Valley Springs, on record with the Zoning Administrator and the Finance Officer, is hereby adopted by reference and declared to be a part of this ordinance.

1.03.02 Changes to Official Zoning Map. Changes to the Official Zoning Map shall require amendment of these regulations by ordinance, as provided for in 4.04.04 of these regulations.

1.03.03 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Mayor of the City Council, attested by the Finance Officer, and bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. ___ of Valley Springs, South Dakota.”

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

1.03.04 Annexations. Subsequent to the effective date of these regulations, any land annexed into the municipal boundaries of the City of Valley Springs shall be automatically placed into the A: Agricultural zoning district, unless and until such time as the area is rezoned by amendment of these regulations by ordinance, as provided for in 4.04.04 of these regulations.

ARTICLE 2 DEFINITIONS

Chapter 2.01 GENERAL TERMS

For the purpose of this ordinance, certain terms and words are defined.

The present tense includes the future tense;

The singular number includes the plural;

The plural number includes the singular;

Lot includes the words "plot" or "parcel";

May is permissive;

Shall is mandatory, and;

Person, in addition to an individual, includes the following terms: "firm", "association", "organization", "partnership", "trust", "company" or "corporation".

Chapter 2.02 WORDS AND PHRASES

Accessory. As applied to use or structure, means customarily subordinate or incidental to, and located on the same lot with such use or structure.

Amusement Areas and Facilities. Any buildings, areas, plots or parcels of land which are set aside for the purpose of amusement of paying clients. Such areas and facilities include those located indoors and outdoors. Examples of amusement areas and facilities include: Miniature golf courses, amusement parks, arcades and theaters.

Boarding House. A building other than a motel, hotel or restaurant, where lodging and meals are provided for 3 or more persons, but not exceeding 10 persons, and not open to the public or transients.

Building. Any structure, including a roof supported by posts or columns, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. The word "building" shall include the word "structure".

Building Height. The vertical distance from the established average finished grade at the building line to the highest point of the building.

Buildable Area. The portion of a lot remaining after all required yards have been provided.

Conditional Use Permit. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, or general welfare. Such uses may be permitted by the Board of Adjustment when specific provision is made in the zoning district regulations.

Day Care Center. Any operation which provides child care services. To be considered a Day Care Center under these regulations, such operation must be licensed by the State of South Dakota.

District. A section of the City for which regulations governing the use of land, the construction and use of buildings and the occupancy of premises are hereby made.

Dwelling, Farm. Any dwelling located on a farming operation, which is used or intended for use as a residence by the farm's owner, relative of the owner, or a person employed on the premises.

Dwelling, Manufactured Home. ^{SDCL 34-34A-1.1} A manufactured home is a structure that meets the following requirements:

- (1) It is transportable in one (1) or more sections; and
- (2) Its body is eight (8) or more feet wide or forty (40) or more feet long in the traveling mode, or it occupies three hundred twenty (320) or more square feet when erected on a site; and
- (3) It is built on a permanent chassis; and
- (4) It is designed to be used as a dwelling with or without a permanent foundation when it is connected to the required utilities.

Dwelling, Modular Home. A modular home is a structure that meets the following requirements:

- (1) It is transported to a site on a trailer, in one (1) or more sections; and
- (2) It is designed for assembly on site and attachment to a permanent foundation; and
- (3) It does not have an axle, hitch or other equipment designed to make it transportable without the use of a trailer.

Dwelling, Multiple-Family. A residential building containing three (3) or more household units including apartments, condominiums, and town houses.

Dwelling, Single-Family. A detached residential building, other than a manufactured home but including modular homes, containing one (1) household unit.

Dwelling, Two-Family. A detached residential building containing two (2) household units.

Dwelling Unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, containing independent cooking and sleeping facilities, and physically separated from any other rooms or dwelling units which may be in the same structure.

Family. One (1) or more persons occupying a single dwelling unit, provided that no such group of persons includes more than five (5) persons who are not related by blood or marriage. Domestic servants employed on the premises shall not be counted as a separate family or families.

Farm. A bonafide business for the production of agricultural products, but specifically excluding greenhouses, horticultural nurseries, kennels, and the incidental use of horses, dogs or other animals, and similar operations.

Feedlot, Commercial. A business establishment at which occurs the feeding of livestock.

Fence. A railing, wall or other means of enclosing a yard, garden, field, farm or like area, to show where it ends or to keep people or animals in or out. This definition is not intended to include dog kennels.

Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires and other automobile accessories may be supplied, dispensed and serviced at retail, but where the following activities are not carried out as a normal part of doing business:

- 1) Major mechanical work, involving removal of the head or crankcase;
- 2) Auto body work, including straightening of auto body parts;
- 3) Painting or welding of any automobile parts;
- 4) Storage of automobiles not in operating condition, and;
- 5) Any other automobile work which involves noise, glare, fumes, smoke, or other characteristics not normally found at places which sell gasoline at retail.

Floodplain. Land that may be submerged by flood waters.

Height of Structures. The vertical distance from the base of a structure to the highest point of a structure.

Home Occupation. An occupation or profession conducted in a dwelling unit, provided that:

- a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the living area of the dwelling unit shall be used in the conduct of the home occupation, and no home occupation shall be conducted in any accessory building;
- c) There shall be no commodity sold in connection with such home occupation, except that which is prepared in the dwelling or except that which is furnished in connection with the service rendered;
- d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) non-illuminated sign which may be either one-sided or two-sided. Such sign shall not exceed thirty-two (32) square feet in area in the Agricultural District or four (4) square feet in area in any Residential district.
- e) No traffic shall be generated by such home occupation in greater volumes than would normally

be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

- f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
- g) Notwithstanding the preceding standards, any operation which provides care for more than twelve (12) children in a twenty-four (24) hour period, shall not be considered a home occupation.

Hotel or Motel. A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are four (4) or more guest rooms, and which is open to the public and transients.

Household Unit. One (1) room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure.

Junk Yard. Any area where waste, junk, discarded or salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or other vehicles or machinery.

Lagoon. A shallow, man-made pond for the holding or processing of human or livestock sewage.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space shall not be included as a part of off-street parking space in the computation of required off-street parking space.

Lot. A tract, plot, outlot, or portion of a subdivision or other parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. See FIGURE 2-1 below:

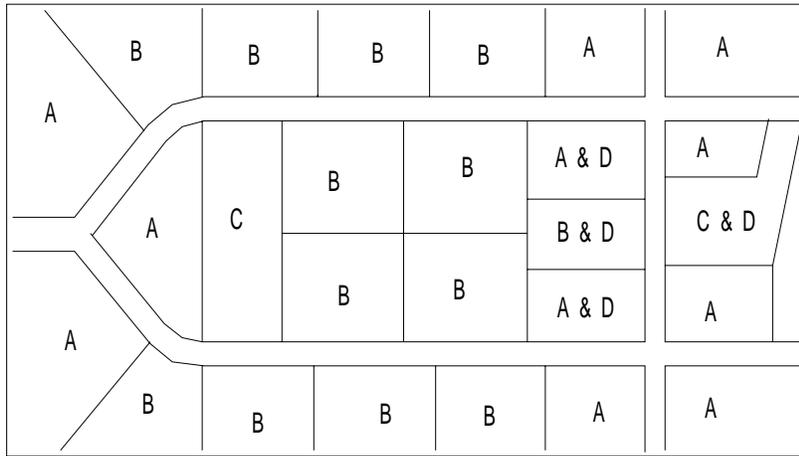


FIGURE 2-1
 A = Corner Lot. A lot abutting two or more streets at their intersection.
 B = Interior Lot. A lot with frontage on only one street.
 C = Through Lot. A lot having frontage on two non intersecting streets, as distinguished from a corner lot.
 D = Reverse Frontage Lot. A lot on which the frontage is at approximate right angles to the general pattern of the area.

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

Lot Frontage. The portion of a lot nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Minimum frontage for lots located on cul-de-sacs shall be determined as the average of the widest and narrowest width of the lot.

Lot Line. The boundary of a parcel of land, as legally recorded.

Lot of Record. A lot or parcel of land, the deed of which has been recorded in the office of the Minnehaha County Register of Deeds prior to the adoption of this ordinance.

Lot Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

Manufactured Home Park. Premises where two or more manufactured homes are parked for living or sleeping purposes, or where spaces or lots are set aside or offered for sale or rent for use by manufactured homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of manufactured homes on such premises. In cases in which a manufactured home park is a nonconforming use at the effective date of these regulations, and none of the spaces or lots are occupied within one year of the effective date of these regulations, such premises shall no longer be considered a manufactured home park.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment which does not conform after the passage of this ordinance or amendment with the use regulation of the district in which it is situated.

Outdoor Advertising Business. Provision of outdoor displays or display space on a lease or rental basis only.

Parking Space, Off-Street. An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, not less than ten (10) feet wide and twenty (20) feet long, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permanent Foundation. A continuous foundation around the perimeter of a structure, which, at bottom, extends no less than forty-two (42) inches below the surface of the ground.

Personal Services. Examples of Personal Services include hair grooming, skin care, massage therapy, tattooing or tanning beds.

Parks and Recreation Areas. Any buildings, areas, plots or parcels of land which are set aside for the purpose of providing for the enjoyment and preservation of the outdoors and/or historic sites. Parks and Recreation Areas include, but are not limited to, swimming pools, hiking & horseback trails, wilderness areas, boat landings, playing fields, primitive campgrounds, campgrounds with modern facilities, and fairgrounds.

Private Garage. A building used for the storage of vehicles owned and used by the owner or legal tenant of the lot on which it is erected.

Set Back. The minimum distance from a building or any projection thereof to the adjacent lot line.

Signs. Any device, designed to inform or attract the attention of persons not on the premises on which such sign is located, not including the following:

- a) Signs not exceeding 1.5 square feet in area;
- b) Signs bearing only property numbers, post box numbers, names of residents of the premises or other identification of the premises not having commercial connotations;
- c) Flags and insignia of any government, except when displayed in connection with commercial promotion;
- d) Legal notices, and identification, informational or directional signs erected or required by government bodies;
- e) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights, and;
- f) Signs directing or regulating traffic and parking on public or private property, but bearing no advertising matter.

Signs, Method of Determining Number. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without an organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Signs, Method of Determining Surface Area. For the purposes of determining the surface area of a sign,

the entire area within a regular geometric form or combination of regular geometric forms comprising all elements of the matter displayed, but not including frames or structural members not bearing advertising, shall be considered the surface area of a sign.

Sign, Off-site. A sign other than an on-site sign and including an outdoor advertising sign, or devise and billboard not relating in subject matter to the use or activity of the premises on which such sign is located.

Sign, On-site. A sign relating in subject matter to the premises on which such sign is located, or to products, accommodations, services, or activities on the premises. On-Site signs do not include signs erected by outdoor advertising businesses in the conduct of advertising business.

Solid Waste Disposal Facility. Any facility which accepts, for final disposal, any type of garbage, refuse or solid waste.

Solid Waste Transfer, Processing or Recycling Facility. Any facility which accepts, for processing, re-use, resource recovery or transfer to a Solid Waste Disposal Facility, any type of garbage, refuse or solid waste.

Street Line. The line delineating the edge of the right-of-way of a street, road or highway.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Examples of structures include antennas, buildings, dugouts, fences, lagoons, manufactured homes, swimming pools, and walls.

Subdivision. Any land, vacant or improved, which has been divided or is proposed for division into two (2) or more lots, tracts or parcels for the purpose of sale or development, whether immediate or future.

Variance. A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result or the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard. An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance.

- a) Yard, Front. A yard along the front of any building and along a street right-of-way.
- b) Yard, Side. A yard along the side of any building.
- c) Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there shall be no rear yards, but only front and side yards.

ARTICLE 3 REGULATIONS

Chapter 3.01 CITY-WIDE REGULATIONS

3.01.01 Like Uses. Applications for Building Permits may be made for a use which is not specifically identified in these regulations as a Permitted Use or Conditional Use, but which is substantially similar to a use which is so identified. In such cases, the Zoning Administrator shall refer the application and a recommendation for action to the Board of Adjustment, which shall determine if the proposed use is in fact substantially similar to a Permitted Use or Conditional Use.

3.01.02 Visibility at Intersections. On a corner lot in any district except Commercial, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2.5 feet and 10 feet above the center line grades of the intersecting streets in the area within 50 feet of the intersection of the center lines of the streets.

3.01.03 Accessory Buildings. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any side or rear lot line. In any district, more than one structure housing a permitted use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

3.01.04 Structures to Have Access. Every building constructed or moved shall be on a lot adjacent to a public street, or with access to an approved private drive, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3.01.05 Manufactured Homes (outside of an approved Manufactured Home Park)

- (A) Outside of an approved Manufactured Home Park, no manufactured home shall be parked in any district for more than forty-eight (48) hours, unless a building permit has been issued for the location of such manufactured home, or in the following situations:
- (B) No building permit for the location of a manufactured home shall be issued until a Conditional Use Permit has been approved by the Board of Adjustment. The Board of Adjustment shall not approve a Conditional Use Permit unless the following performance standards will be met:
- (1) The structure shall have been constructed on or after July 15, 1976, or shall have been renovated to comply with the industry standards in effect on such date and shall meet or exceed the federal Manufactured Home Construction and Safety Standards, in accordance with such proofs as the Planning Commission shall find satisfactory;
 - (2) The exterior dimensions of the structure, exclusive of overhangs, shall be 22 feet in width or greater;
 - (3) The manufactured home shall be supported by a permanent foundation system consisting along the perimeter and piers on the interior. All foundation walls and piers shall extend a minimum of

forty-two (42) inches below final grade.

(4) The manufactured home shall comply with all lot and yard requirements established for the zoning district in which it is to be located; and

(5) The manufactured home shall be aesthetically compatible with neighboring dwelling units, including but not limited to the following factors: width, length, area, number of stories, siding and roofing materials, roof style and pitch, and condition.

(C) Manufactured Homes which are nonconforming uses may be replaced with any structure upon application for and approval of a conditional use. The compatibility of the replacement structure with surrounding uses and dwellings shall be considered in the conditional use request.

3.01.06 Manufactured Home Parks. A manufactured home park may be developed in certain districts as a Conditional Use, as specified in Chapter 3.03 - District Regulations. To be granted a Conditional Use Permit, a manufactured home park shall at minimum, meet all of the following requirements:

(A) The applicant shall present plans and specifications for the proposed park in a form suitable for making the determinations required herein; these shall include the legal and locational description of the property and maps showing the layout, dimensions, streets, utility lines, lots, locations of manufactured homes and other buildings, and any other information which the Zoning Administrator deems necessary for the Board of Adjustment to approve a Conditional Use Permit.

(B) The site for a manufactured home park shall be at least one (1) acre, and shall not exceed seven (7) lots per gross acre.

(C) Each manufactured home unit shall be located on a lot having an area of not less than six thousand (6,000) square feet.

(D) Each manufactured home lot shall have a minimum lot width of sixty (60) feet.

(E) Each manufactured home shall be at least twenty-five (25) feet from any adjacent manufactured home. Any extensions, porches, decks, lean-tos, or other extensions are considered to be a part of the attached mobile home for the purposes of determining the twenty-five (25) foot minimum distance. In determining minimum yard requirements, distances shall be measured from the lot lines in the same manner as lots which abut on a public right-of-way.

(F) The manufactured home lot shall be located on a well-drained area, and the premises shall be properly graded to prevent the accumulation of storm or other waters.

(G) The manufactured home park shall be connected to a central water distribution system and a central wastewater collection and treatment system.

3.01.07 Off-Street Parking Spaces. In computing the number of required off-street parking spaces the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. The parking requirements in this section shall not be applicable to property in the B-1 Central Business

District. For the number of off-street parking and loading spaces required in all other districts, see TABLE 3-1 below:

TABLE 3-1: Minimum Off-Street Parking & Loading Requirements

USES & STRUCTURES	MIN. PARKING REQUIREMENTS	MIN. LOADING REQUIREMENTS
Boarding Houses	1 space per 2 rental units	None required
Bowling Alleys	4 spaces per bowling lane	1 space per establishment
Filling Stations	4 spaces per establishment	None required
Funeral Homes & Chapels	8 spaces per reposing room	2 spaces per establishment
Hospitals	1 space per 2 beds	3 spaces per establishment
Hotels and Motels	1 space per 2 rental units	1 space per establishment
Houses of Worship	1 space per 4 seats in main worship room	None required
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 sq. ft. of gross floor area	1 space per establishment
Manufactured Home Parks	2 spaces per dwelling unit	None required
Medical Clinics	5 spaces per staff doctor or dentist	None required
Offices/service businesses	1 space per 200 sq. ft. of gross floor area	1 space per establishment
Private Clubs and Lodges	1 space per 500 sq. ft. of gross floor area	1 space per establishment
Residential Structures	2 spaces per dwelling unit	None required
Rest, Convalescent or Nursing Homes	1 space/per 3 beds + 1 space/ employee	1 space per establishment
Restaurants and Bars	0.3 spaces per person capacity	2 spaces per establishment
Retail Businesses	1 space per 200 sq. ft. of gross floor area	1 space per establishment
Schools, Primary (elementary)	0.2 spaces per student	2 spaces per establishment
Schools, all other	0.4 spaces per student	2 spaces per establishment
Theaters and Auditoriums	1 space per 5 people in design capacity	1 space per establishment
Veterinary Businesses	3 spaces per staff doctor	None required
Wholesale & Distribution Businesses	1 space per 2 employees on largest shift	2 spaces per establishment

3.01.08 Signs.

(A) Standards for On-Site Signs. Each on-site sign attached to a structure and extending not more than one (1) foot from the face of such structure shall not exceed one (1) square foot in surface area for each two (2) feet of street frontage. One (1) additional free-standing sign not exceeding fifty (50) square feet in surface areas on each side shall be permitted on the premises. All signs must be totally contained within property boundaries. A sign used in conjunction with a home occupation as defined in Article 2 shall be non-illuminated, mounted flat against the wall of the principal building and shall not exceed four (4) square feet in area.

(B) Standards for Off-Site Signs. All off-site signs shall be in conformance with the following requirements:

1. Surface area of any sign shall not exceed one (1) square foot per two (2) feet of frontage of the lot on which it is located.
2. The highest point of any sign shall not exceed twenty (20) feet, measured from base of the supports to the top of the sign.
3. Each sign shall not be located less than 30 feet from a street right-of-way line.

3.01.09 Permitted Signs. The following types of signs shall be permitted in all zoning districts:

(A) Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real estate when located on property to which the sign refers. Such sign shall be removed after sale or lease of the property.

- (B) Temporary signs advertising future use or development of property on which such signs are located, provided such signs do not exceed twelve (12) square feet in area or remain longer than six (6) months.
- (C) Public building bulletin boards not exceeding twelve (12) square feet in area, traffic and public signs, and no trespassing or similar signs, and legal notices.

3.01.10 Private Wastewater Treatment Systems (Septic Tanks). All existing septic tanks shall be considered Non-Conforming Uses. Any new construction or substantial improvement must be connected to the City's sewer system. All septic tanks shall be installed by a Certified Installer, as required by the Administrative Rules of South Dakota.

3.01.11 Permanent Foundations Required for Dwellings. No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation, as defined in these regulations. Exempted from this requirement are manufactured homes in an approved manufactured home park, provided said manufactured homes are anchored with tie downs to prevent the manufactured home from dangerous motion during high wind or other weather related events.

3.01.12 Fences. No barbed wire fence shall be erected or maintained in the Residential district. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

3.01.13 Curb, Gutter, and Sidewalk Required for Improvements over \$5,000. Any building permit issued for any improvement with a value of \$5,000 or more, shall be conditional upon the property owner constructing, within one (1) year of permit issuance, concrete curb, and gutter along any frontage on a public road or street. Sidewalk shall be required when abutting property has sidewalk.

3.01.14 Termite Inspection of Structures to be Moved into City. Any building permit issued for the moving of a structure into the City shall be conditional upon the property owner furnishing sufficient documentation of inspection certifying the structure is free of termites. This inspection shall be conducted at the property owner's expense by a pest control agent certified and licensed by the State of South Dakota.

3.01.15 Site Improvements / Damage Repair for the Demolition or Removal of Structures. Any building permit issued for the demolition or removal of a structure shall be conditional upon the property owner providing assurances suitable to the City that site improvements such as, but not limited to, the proper disposal of rubble, filling of holes, regrading or returning to grade the affected property, removal of any debris remaining on a public right-of-way, and proof of insurance compensating for damage to adjacent property.

3.01.16 Permit Required for Changing Outside Dimensions of Existing Building. A building permit shall be required for any alterations or work done on an existing building which changes the exterior dimensions of the building.

Chapter 3.02 NON-CONFORMING USES

3.02.01 Uses and Structures. A lawful use or structure existing at the time this ordinance is adopted or amended may continue even though such use does not conform with the district regulations subject to the following provisions:

- (A) If no structural alterations are made, a nonconforming use or structure may be changed to another nonconforming use or structure of the same or more restricted zoning district.
- (B) Whenever a nonconforming use or structure has been changed to a more restricted or conforming use, it shall not be changed back to a less restricted use.
- (C) Should any nonconforming use or structure be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not continue.
- (D) When a nonconforming use or structure is discontinued for a period of one (1) year, it shall not be continued unless in conformance with the requirements of this ordinance.
- (E) Any nonconforming use may be extended throughout any part of a structure which was arranged or designed for such use previous to the adoption of this ordinance, but shall not be extended outside such structure.
- (F) No existing nonconforming use or structure shall be enlarged, moved, or structurally altered except to change to a permitted use. This is not to include normal repairs and maintenance which do not enlarge, move or structurally alter a nonconforming use.

3.02.02 Lots of Record. In any district in which single-family dwellings are permitted, such uses may be constructed on any single lot of record at the time this ordinance is adopted or amended. This provision shall apply even though such lot does not meet requirements for area or width, or both, provided that yard dimensions and requirements shall conform to the district requirements. Variance of yard requirements may be approved only by the Board of Adjustment.

Chapter 3.03 DISTRICT REGULATIONS

3.03.01 Generally. The district regulations included in this Chapter may be qualified or supplemented by additional regulations appearing elsewhere in this ordinance.

Any use or uses not expressly permitted in a particular district shall be prohibited, unless such uses are existing at the effective date of these regulations and qualify as nonconforming uses, or unless a Conditional Use Permit is granted as provided for in 4.04.02 of these regulations.

Deviation from zoning district lot, yard and related requirements, and deviation from City-wide zoning regulations, shall prohibited, unless a Variance is granted as provided for in 4.04.03 of these regulations.

Additional requirements and standards for uses and structures permitted by Conditional Use Permit may be established by the Board of Adjustment as conditions to said Conditional Use Permit.

3.03.02 Application of District Regulations. The district regulations set forth in this chapter shall be

minimum regulations, and shall apply uniformly to each class or kind of structure or land in a particular district.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements established. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

3.03.03 Zoning Districts. The following zone and use districts are hereby established for the purposes of administration and enforcement of this ordinance:

- (A) A Agricultural District. The purpose of this district is to preserve lands best suited for agricultural use from encroachment by incompatible uses, and to preserve in agricultural use land suited for eventual development to other uses, pending proper timing for practical and economical provision of utilities, streets and other municipal facilities.
- (B) B-1 Central Business District. The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the City's Main Street Commercial Core. The grouping of uses is intended to preserve and improve the character and economic vitality of Main Street.
- (C) B-2 General Business District. The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.
- (D) F Floodplain District. The purpose of this district is twofold:
 - (1) Protect natural drainage courses in their capacities to carry runoff water, by preventing certain types of land use and structures in the area subject to flooding;
 - (2) Prevent the destruction or pollution of valuable and irreplaceable natural resources, and to prevent the encroachment of uses which would reduce the potential of these resources.
- (E) I-1 Light Industrial District. The purpose of this district is to provide space for a wide range of industrial uses and structures, and for certain commercial uses. Regulations are intended to provide guidelines for locating activities which may be injurious or offensive to occupants of adjacent areas, or which emit odors, fumes or gases, dust, smoke, noise, or vibrations which are evident beyond the property of such uses.
- (F) I-2 General Industrial District. The purpose of this district is to provide land for the widest range of industrial operations appropriate for the City, for those industrial uses which are unable to meet the performance standards for uses within the I-1 Light Industrial District.
- (G) R-1 Residential District. The purpose of this district is to provide for certain low density residential areas the City now developed primarily with one family detached dwellings and where similar

development is likely to occur. Restrictions and requirements are intended to preserve and protect the residential character by preventing incompatible uses and facilities.

- (H) R-2 General Residential District. The purpose of this district is to provide for certain high density residential areas the City now developed primarily with single-family, two-family, and multiple family dwellings and where similar development is likely to occur. Restrictions and requirements are intended to preserve and protect the residential character by preventing incompatible uses and facilities.

3.03.04 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of district as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following platted lot lines or city limits shall be interpreted to follow such platted lot lines or city limits;
- (B) Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks;
- (C) Boundaries indicated as approximately following the center lines of streets or other rights-of-way, or streams or other bodies of water, shall be interpreted to follow such center lines;
- (D) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment, as established in Article 4, shall interpret the district boundaries.
- (E) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a Conditional Use Permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.

3.03.05 District Regulations Established. Regulations for each zoning district are hereby established. Such regulations shall be as described on the following pages:

DISTRICT	PAGES
A: Agricultural	17-18
B-1: Central Business	19-21
B-2: General Business	22-24
F: Floodplain	25
I-1: Light Industrial	26-27
I-2: General Industrial	28-29
R-1: Residential	30
R-2: General Residential	31

3.03.05 District Regulations Established (continued).

A: AGRICULTURAL DISTRICT

PURPOSE

The purpose of this district is to preserve lands best suited for agricultural use from encroachment by incompatible uses, and to preserve in agricultural use land suited for eventual development to other uses, pending proper timing for practical and economical provision of utilities, streets and other municipal facilities.

PERMITTED USES

Agriculture, horticulture and ranching
Antennas, 35 feet or less in height
Farm dwellings
Park and Recreation Areas
Temporary housing for farm laborers
Utility lines and substations

CONDITIONAL USES

Agricultural chemical production facilities
Airports
Amusement areas and facilities
Antennas, over 35 feet in height
Cemeteries
Churches
Fairgrounds
Farm service businesses
Filling Stations
Golf Course, except miniature course or driving range
Grain storage facilities
Home occupations
Manufactured homes
Mining/processing of gravel or other aggregate material
Schools
Signs
Single-family dwellings
Solid waste transfer, processing or recycling facilities
Solid waste disposal facilities
Telecommunications businesses and relay facilities
Water / wastewater treatment facilities and lagoons

MINIMUM LOT SIZE

Frontage: 150 feet
Area: 1 acre

MINIMUM YARD SIZE

Front: 75 feet
Side: 30 feet
Rear: 50 feet

ADDITIONAL A DISTRICT REGULATIONS

1. Limits on the Number of Dwellings Per Parcel in the A District.

- (A) Each land parcel containing less than forty (40) acres, and which has been recorded in the office of the County Register of Deeds prior to the effective date of these regulations, shall be entitled to one (1) dwelling.
- (B) Each land parcel which is forty (40) acres or larger, regardless of whether it has been recorded in the office of the County Register of Deeds prior to the effective date of these regulations, shall be entitled to one (1) dwelling.
- (C) Vacant dwellings shall be considered to be dwellings, until such time as the vacant dwelling is removed. In cases where a new dwelling is constructed to replace the vacant dwelling, the vacant dwelling shall be demolished or removed within 180 days of occupation of the new dwelling.

3.03.05 District Regulations Established (continued).

B-1: CENTRAL BUSINESS DISTRICT

PURPOSE

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the City's Main Street Commercial Core. The grouping of uses is intended to preserve and improve the character and economic vitality of Main Street.

PERMITTED USES

Antennas, 35 feet or less in height
Automobile parking lots
Commercial service businesses
Cultural areas and facilities
Funeral homes and chapels
Governmental service facilities
Offices
Parks
Personal service businesses
Preservation areas and facilities
Professional service businesses
Public or private meeting facilities
Recreation areas and facilities
Retail businesses
Schools
Signs
Telecommunications businesses
Utility lines and substations
Wholesale businesses

CONDITIONAL USES

Animal clinics, hospitals and kennels
Antennas, over 35 feet in height
Automobile service and repair businesses
Bars, taverns and liquor stores
Day care centers
Dry cleaning establishments
Farm service businesses
Filling Stations
Food lockers (only if animal prep work is done indoors)
Grain storage facilities
Heavy vehicle garaging, maintenance, terminals and transfer facilities
Hotels and Motels
Lumber yards
Manufactured homes
Multiple-family dwellings

Metal-working, carpentry, plumbing or printing shops
Outdoor amusement areas and facilities
Restaurants
Satellite dishes
Single-family dwellings
Telecommunications relay facilities
Two-family dwellings
Warehouses and storage facilities

MINIMUM LOT SIZE

Frontage: 25 feet
Area: 2,400 sq. ft.

MINIMUM YARD SIZE*

Front: The average setback existing on that street
Rear: 5 feet, if the rear of the lot abuts an alley
Side: (none)

*Lots adjacent to an R District shall, along any lot line which borders said R District, provide the same yard as required in an R District.

ADDITIONAL B-1 DISTRICT REGULATIONS

1. To be a permitted use or Conditional Use Permit in the B-1 District, such use shall be conditional upon the property owner meeting the following performance standards:
 - (A) No operation shall involve the use or storage of highly flammable gases, liquids, or other fire hazards. This provision shall not prohibit the use of normal heating fuels, motor fuels, or welding gasses.
 - (B) No operation shall be carried on which involves the discharge into a sewer or water course liquid wastes which are harmful to normal sewage plant operations or corrosive to sewer pipes and installations.
 - (C) Activities shall be prohibited which are injurious or offensive to occupants of adjacent premises or which emit air contaminants, smoke, odors, gasses, noise or vibrations which are evident beyond the property lines of a lot upon which are evident beyond the property lines of a lot upon which such activity is to be located.

2. For new commercial (B-1 or B-2) property construction where a lot is adjacent to or abuts upon a R district or property to be a permitted use or Conditional Use Permit in the B-1 District, such use shall be conditional upon the property owner meeting the following performance standards, unless written consent is obtained from each of the abutting or adjoining residentially used property landowners for the applicant to be exempted from this requirement:
 - (A) The commercial property construction shall be of a character or use and or landscaped in a manner consistent with the adjoining or abutting residentially used property.

Unharmonious commercial property constructed shall be adequately screened from the adjoining or abutting residentially used property.

- (B) Parking Lot Buffer Areas: A setback area of at least five feet shall be provided between the parking surface and property line where a parking lot abuts neighboring residentially used property.
- (C) Parking Lot Screening: A fence, wall, berm or shrubbery four feet in height and of a character necessary for adequate screening of a parking lot from adjacent residentially-used property shall be provided by the commercial property owner. Where the residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial street.

Berms or other landscaping techniques may be used for all or part of the screening requirements and may be incorporated into a required setback area. Berms shall have a maximum grade of three (3) feet horizontal to one (1) foot vertical and shall be sodded or planted with other acceptable living ground cover.

- (D) Screening Dumpsters: All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall a minimum of six (6) feet in height.
- (E) Installation Requirements: Minimum planting sizes of landscape material to meet the requirements of this ordinance are as follows:
 - (1) Hedges: If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum height of 18 inches above ground level and of a species that is normally capable of reaching a height of four feet within three years. Spacing shall be 18 to 36 inches apart, depending on species.
 - (2) Evergreen or coniferous tree: A minimum height of five (5) feet measured above immediate ground.

3.03.05 District Regulations Established (continued).

B-2: GENERAL BUSINESS DISTRICT

PURPOSE

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

PERMITTED USES

Antennas, 35 feet or less in height
Automobile parking lots
Commercial service businesses
Cultural areas and facilities
Funeral homes and chapels
Governmental service facilities
Offices
Parks
Personal service businesses
Preservation areas and facilities
Professional service businesses
Public or private meeting facilities
Recreation areas and facilities
Retail businesses
Schools
Signs
Telecommunications businesses
Utility lines and substations
Wholesale businesses

CONDITIONAL USES

Animal clinics, hospitals and kennels
Antennas, over 35 feet in height
Automobile service and repair businesses
Bars, taverns and liquor stores
Day care centers
Dry cleaning establishments
Fairgrounds
Farm service businesses
Filling Stations
Food lockers (only if animal prep work is done indoors)
Grain storage facilities
Heavy vehicle garaging, maintenance, terminals and transfer facilities
Hotels and Motels

Lumber yards
Manufactured homes
Metal-working, carpentry, plumbing or printing shops
Multiple-family dwellings
Outdoor amusement areas and facilities
Restaurants
Satellite dishes
Single-family dwellings
Telecommunications relay facilities
Two-family dwellings
Warehouses and storage facilities

MINIMUM LOT SIZE

Frontage: 60 feet
Area: 6,000 sq. ft.

MINIMUM YARD SIZE*

Front: 20 feet
Rear: 8 feet
Side: 8 feet

*Lots adjacent to an R District shall, along any lot line which borders said R District, provide the same yard as required in an R District

ADDITIONAL B-2 DISTRICT REGULATIONS

1. To be a permitted use or Conditional Use Permit in the B-2 District, such use shall be conditional upon the property owner meeting the following performance standards:
 - (A) No operation shall involve the use or storage of highly flammable gases, liquids, or other fire hazards. This provision shall not prohibit the use of normal heating fuels, motor fuels, or welding gasses.
 - (B) No operation shall be carried on which involves the discharge into a sewer or water course liquid wastes which are harmful to normal sewage plant operations or corrosive to sewer pipes and installations.
 - (C) Activities shall be prohibited which are injurious or offensive to occupants of adjacent premises or which emit air contaminants, smoke, odors, gasses, noise or vibrations which are evident beyond the property lines of a lot upon which are evident beyond the property lines of a lot upon which such activity is to be located.
2. For new commercial (B-1 or B-2) property construction where a lot is adjacent to or abuts upon a R district or property to be a permitted use or Conditional Use Permit in the B-1 District, such use shall be conditional upon the property owner meeting the following performance standards, unless written consent is obtained from each of the abutting or adjoining residentially used property landowners for the applicant to be exempted from this requirement:

- (A) The commercial property construction shall be of a character or use and or landscaped in a manner consistent with the adjoining or abutting residentially used property. Unharmonious commercial property constructed shall be adequately screened from the adjoining or abutting residentially used property.
- (B) Parking Lot Buffer Areas: A setback area of at least five feet shall be provided between the parking surface and property line where a parking lot abuts neighboring residentially used property.
- (C) Parking Lot Screening: A fence, wall, berm or shrubbery four feet in height and of a character necessary for adequate screening of a parking lot from adjacent residentially used property shall be provided by the commercial property owner. Where the residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial street.

Berms or other landscaping techniques may be used for all or part of the screening requirements and may be incorporated into a required setback area. Berms shall have a maximum grade of three feet horizontal to one foot vertical and shall be sodded or planted with other acceptable living ground cover.

- (D) Screening Dumpsters: All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall a minimum of six (6) feet in height.
- (E) Installation Requirements: Minimum planting sizes of landscape material to meet the requirements of this ordinance are as follows:
 - (1) Hedges: If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum height of 18 inches above ground level and of a species that is normally capable of reaching a height of four (4) feet within three (3) years. Spacing shall be 18 to 36 inches apart, depending on species.
 - (2) Evergreen or coniferous tree: A minimum height of five (5) feet measured above immediate ground.

3.03.05 District Regulations Established (continued).

F: FLOODPLAIN DISTRICT

PURPOSE

The purpose of this district is twofold: (1) protect natural drainage courses in their capacities to carry runoff water, by preventing certain types of land use and structures in the area subject to flooding; (2) prevent the destruction or pollution of valuable and irreplaceable natural resources, and to prevent the encroachment of uses which would reduce the potential of these resources.

PERMITTED USES

Agriculture, horticulture and ranching uses
Antennas, 35 feet or less in height
Parks and recreation areas
Utility lines

CONDITIONAL USES

Agriculture, horticulture and ranching buildings
Antennas, over 35 feet in height
Farm dwellings and temporary housing for farm laborers
Satellite dishes
Signs
Single-Family dwellings
Utility Substations

MINIMUM LOT SIZE

Frontage: 150 feet
Area: 1 acre

MINIMUM YARD SIZE

Front: 75 feet
Side: 30 feet
Rear: 50 feet

3.03.05 District Regulations Established (continued).

I-1: LIGHT INDUSTRIAL DISTRICT

PURPOSE

The purpose of this district is to provide space for a wide range of industrial uses and structures, and for certain commercial uses. Regulations are intended to provide guidelines for locating activities which may be injurious or offensive to occupants of adjacent areas, or which emit odors, fumes or gases, dust, smoke, noise, or vibrations which are evident beyond the property of such uses.

PERMITTED USES

Antennas 35 feet or less in height
Any permitted use of the B Districts
Automobile service and repair businesses
Grain storage facilities
Signs
Utility lines and substations
Warehouses and storage facilities

CONDITIONAL USES

Antennas over 35 feet in height
Fairgrounds
Junk yards
Satellite dishes
Solid waste transfer, processing or recycling facilities
Water / wastewater treatment facilities and lagoons

Any industrial use which meets the performance standards established in the Additional I-1 District Regulations, and is consistent with the intent and purpose of this district.

MINIMUM LOT SIZE

Frontage: 80 feet
Area: 10,000 square feet

MINIMUM YARD SIZE

Front: 25 feet
Side: 10 feet *
Rear: 20 feet *

*If a side or rear lot line is adjacent to the R District, then the minimum side and rear yards shall be 50 feet

ADDITIONAL I-1 DISTRICT REGULATIONS

1. To be a Permitted or Conditional Use in the I-1 District, such use shall be conditional upon the property owner meeting the following performance standards:

- (A) No operation shall involve the use or storage of highly flammable gases, liquids, or other fire hazards. This provision shall not prohibit the use of normal heating fuels, motor fuels, or welding gasses.
- (B) No operation shall be carried on which involves the discharge into a sewer or water course liquid wastes which are harmful to normal sewage plant operations or corrosive to sewer pipes and installations.
- (C) Activities shall be prohibited which are injurious or offensive to occupants of adjacent premises or which emit air contaminants, smoke, odors, gasses, noise or vibrations which are evident beyond the property lines of a lot upon which are evident beyond the property lines of a lot upon which such activity is to be located.
- (D) Appearance. Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets, and from adjacent properties in another district, by means of a sturdy, site obscuring fence in good repair, or two rows of alternate planted evergreen or red cedar trees.
- (E) Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in accordance with the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (F) Noise. All noises and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak traffic noise on a major street, when from any adjacent Residential district. Major street noise for comparison purposes shall be measured at the property line.
- (G) Sewage and Liquid Waste. No operation shall be carried on which involves the discharge into a sewer or water course, or onto the ground, of liquid wastes of any radioactive nature, or liquid waste of a chemical nature, which are detrimental to normal sewage plant operation, or are corrosive and damaging to sewer pipes and installations.
- (H) Air Contaminants. Emissions of contaminants and smoke shall not exceed maximum standards set by the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (I) Gasses and Odors. Emissions of gasses and odors shall not exceed maximum standards set by the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (J) Vibration. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots.

3.03.05 District Regulations Established (continued).

I-2: GENERAL INDUSTRIAL DISTRICT

PURPOSE

The purpose of this district is to provide land for the widest range of industrial operations appropriate for the City, for those industrial uses which are unable to meet the performance standards for uses within the I-1 Light Industrial District.

PERMITTED USES

Antennas 35 feet or less in height
Signs

Any industrial use which meets the performance standards established in the Additional I-2 District Regulations, is consistent with the intent and purpose of this district, and is not listed separately as a Conditional Use.

CONDITIONAL USES

Above-ground storage of flammable, noxious liquid petroleum products or chemicals
Antennas over 35 feet in height
Junk yards
Meat packing, slaughtering, eviscerating and skinning
Rendering of by-products of animal slaughtering
Satellite dishes
Solid waste transfer, processing or recycling facilities
Underground or above-ground storage of flammable, noxious gases

MINIMUM LOT SIZE

Frontage: 80 feet
Area: 10,000 square feet

MINIMUM YARD SIZE

Front: 50 feet
Side: 20 feet *
Rear: 40 feet *

*If a side or rear lot line is adjacent to the R District then the minimum side and rear yards shall be 50 feet

ADDITIONAL I-2 DISTRICT REGULATIONS

1. To be a Permitted Use or Conditional Use in the I-2 District, such use shall be conditional upon the property owner meeting the following performance standards:
 - (A) Appearance. Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets, and from adjacent properties in another district, by means of a sturdy, site obscuring fence in good repair, or two rows of alternate planted evergreen or red cedar trees.

- (B) Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in accordance with the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (C) Noise. All noises and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak traffic noise on a major street, when from any adjacent Residential district. Major street noise for comparison purposes shall be measured at the property line.
- (D) Sewage and Liquid Waste. No operation shall be carried on which involves the discharge into a sewer or water course, or onto the ground, of liquid wastes of any radioactive nature, or liquid waste of a chemical nature, which are detrimental to normal sewage plant operation, or are corrosive and damaging to sewer pipes and installations.
- (E) Air Contaminants. Emissions of contaminants and smoke shall not exceed maximum standards set by the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (F) Gasses and Odors. Emissions of gasses and odors shall not exceed maximum standards set by the laws of the State of South Dakota and other applicable federal, state and local regulations.
- (G) Vibration. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots.

3.03.05 District Regulations Established (continued).

R-1: RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide for certain low density residential areas the City now developed primarily with one family detached dwellings and where similar development is likely to occur. Restrictions and requirements are intended to preserve and protect the residential character by preventing incompatible uses and facilities.

PERMITTED USES

- Antennas 35 feet or less in height
- Home occupations
- Churches
- Libraries
- Manufactured homes in an approved MHP
- Parks and Recreation Areas
- Schools
- Single-family dwellings
- Golf Courses, except miniature courses and driving ranges

CONDITIONAL USES

- Antennas over 35 feet in height
- Cemeteries
- Cultural areas and facilities
- Day care centers
- Manufactured home parks (MHP)
- Manufactured homes not in an approved MHP
- Multiple-family dwellings
- Rest, convalescent and nursing homes
- Satellite dishes
- Signs
- Two-family dwellings
- Utility lines and substations

MINIMUM LOT SIZE

- Frontage: 75 feet
- Area: Single-family: 7,500 square feet
 - Multi-family: 3,000 square feet per unit
 - Other uses: Double the area of the combined footprint of all proposed buildings

MINIMUM YARD SIZE

- Front: 25 feet
- Side: 7 feet
- Rear: 20 feet

3.03.05 District Regulations Established (continued).

R-2: GENERAL RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide for certain high density residential areas the City now developed primarily with single-family, two-family, and multiple family dwellings and where similar development is likely to occur. Restrictions and requirements are intended to preserve and protect the residential character by preventing incompatible uses and facilities.

PERMITTED USES

- Antennas 35 feet or less in height
- Home occupations
- Churches
- Libraries
- Manufactured homes in an approved MHP
- Multiple-family dwellings
- Parks and Recreation Areas
- Schools
- Single-family dwellings
- Two-family dwellings
- Golf Courses, except miniature courses and driving ranges

CONDITIONAL USES

- Antennas over 35 feet in height
- Cemeteries
- Cultural areas and facilities
- Day care centers
- Manufactured home parks (MHP)
- Manufactured homes not in an approved MHP
- Rest, convalescent and nursing homes
- Satellite dishes
- Signs
- Utility lines and substations

MINIMUM LOT SIZE

- Frontage: 75 feet
- Area: Single-family: 7,500 square feet
- Multi-family: 3,000 square feet per unit
- Other uses: Double the area of the combined footprint of all proposed buildings

MINIMUM YARD SIZE

- Front: 25 feet
- Side: 7 feet
- Rear: 10 feet

ARTICLE 4

ADMINISTRATION

Chapter 4.01 GENERALLY

4.01.01 Applications and Fee Schedule. The Zoning Administrator shall develop an omnibus application, to include requests for Building Permits, Conditional Uses, Variances and Amendments. Such application will be available from the Zoning Administrator and the Finance Officer. A schedule of fees, charges, and expenses for permits, rezonings, appeals, and other matters pertaining to this ordinance shall be established by resolution of the City Council. The current fee schedule shall be available from the Zoning Administrator or Finance Officer. All fees shall be the property of the City and shall be paid over to the Finance Officer for credit to the General Fund of the City which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

4.01.02 Issuance of Permits. Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be a violation of this ordinance.

4.01.03 Expiration of Permits. If the work described in any permit has not begun within 120 days from the date of issuance, the permit shall expire by limitation. If the activity described in any permit has not been substantially completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the Zoning Administrator and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new use permit has been obtained.

Chapter 4.02 ZONING ADMINISTRATOR

4.02.01 Establishment and Purpose. The position of Zoning Administrator is hereby established for the City of Valley Springs. The Zoning Administrator may be employed by the City or other entity in another position. The City Council shall appoint the Zoning Administrator. The Zoning Administrator shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator.

4.02.02 Duties. The Zoning Administrator shall receive applications for Building Permits, Conditional Uses, Variances and Zoning Amendments.

- (A) For Building Permits, the Zoning Administrator shall approve the application only if in accordance with the provisions of the City's Zoning Regulations.
- (B) For Conditional Uses and Variances, the Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said

application.

- (C) For Zoning Amendments, the Zoning Administrator shall review the application, and shall make comments regarding said application to the Planning Commission.

4.02.03 Powers. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, the person responsible for such violations shall be notified in writing, indicating the nature of the violation and ordering that such violation be corrected within 30 days of such notice. The notice shall also include the penalty for failure to comply with the zoning requirements. The Zoning Administrator may order discontinuance of illegal use of land, buildings, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Chapter 4.03 BOARD OF ADJUSTMENT

4.03.01 Establishment. A Board of Adjustment is hereby established for the City of Valley Springs. Members of the Planning Commission shall act as the Board of Adjustment. The City Council, shall appoint members of the Board of Adjustment for three-year terms, unless the Planning Commission is acting as the Board of Adjustment, in which case the terms of members shall run concurrent with the terms of the officials acting as the Board of Adjustment.

4.03.02 Procedures for Meetings. The Board of Adjustment shall keep a public record of all findings and decisions. Meetings shall be held at the call of the Chairman and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting with notice to be published at least ten (10) days in advance. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance, may be taken by any person, group or organization, public or private. Such appeal shall be taken by filling a notice of appeal with the Zoning Administrator, who shall transmit to the Board of Adjustment all papers concerning the record of action from which the appeal was taken. The concurring vote of three-fourths of the members of the Board of Adjustment shall be necessary to approve any appeal or arrive at any determination.

4.03.03 Powers and Duties. The Board of Adjustment shall have the following powers and duties:

- (A) To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Zoning Administrator in the enforcement of this ordinance.
- (B) To hear and decide appeals to decisions made by the Zoning Administrator regarding Zoning Permits.
- (C) To hear and decide only such Conditional Uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether Conditional Uses should be granted; and to grant Conditional Uses with such conditions and safeguards as are appropriate under this ordinance, or to deny Conditional Uses when not in harmony with the purpose and intent of this ordinance.
- (D) To hear requests for variances from this ordinance in instances where strict enforcement would cause unnecessary hardship, and to grant such variances only when the Board of Adjustment

finds that such relief from these Zoning Regulations will be neither detrimental to the public good nor in conflict with the intent of these Zoning Regulations.

Chapter 4.04 PROCEDURES FOR APPLICATIONS

4.04.01 Building Permits. No new development, change of use, moving in/moving out of structures, demolition, or other action which may be regulated by the provisions of this ordinance including use, height, number of occupants, lot area, off-street parking or yard requirements, shall occur without a Building Permit issued by the Zoning Administrator.

- (A) An Application for Building Permit, available from the Zoning Administrator or Finance Officer, shall be completed by the landowner requesting the Building Permit. Completed applications shall be returned to the Zoning Administrator for review. To be considered complete, the application form shall be accompanied by the following additional items:
- (1) Any required attachments and City fees;
 - (2) Two copies of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration;
 - (3) Any additional information, as requested by the Zoning Administrator, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.
- (B) A temporary Building Permit may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. The Zoning Administrator may attach conditions and safeguards to said temporary permit to protect the safety of the occupants and the public.
- (C) One (1) copy of the plans shall be returned to the applicant, after the Zoning Administrator has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator for City records.
- (D) If the Zoning Administrator determines the proposed action would not be in compliance with the provisions of these regulations, a Building Permit may not be issued, except upon completion of one of the following processes established in these regulations, as may be applicable to such proposed action. The Zoning Administrator shall inform the applicant when one of the following processes may be applicable:
- (1) Conditional Use Permit, 4.04.02;
 - (2) Variance, 4.04.03;
 - (3) Amendment; 4.04.04.

Issuance of a Building Permit shall indicate that, in the opinion of the Zoning Administrator, the proposed use and/or alterations of existing use are in compliance with the requirements of these Zoning Regulations. Issuance of a Building Permit shall not be construed as waiving any provisions of these

regulations. Proposed uses and/or alterations of existing uses which are not in compliance with the requirements of these Zoning Regulations shall not be issued a Building Permit.

4.04.02 Conditional Uses. Conditional Uses are allowed for certain uses in some districts, as identified in Chapter 3.03 - District Regulations. Uses not listed in the District Regulations as eligible for a Conditional Use Permit shall not, in any circumstances, be granted a Conditional Use Permit.

The following procedure for requesting a Conditional Use Permit shall be followed:

- (A) An Application for Conditional Use Permit, available from the Zoning Administrator or Finance Officer, shall be completed by the landowner requesting the Conditional Use Permit. Completed applications shall be returned to the Zoning Administrator for review. To be considered by the Board of Adjustment, the application form shall be completed. If any of the information required by 4.04.01(A) has changed since the original Building Permit application, the revised, updated or corrected information shall accompany the application for a Conditional Use Permit.
- (B) The Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.
- (C) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Conditional Use Permit. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Conditional Use Permit.
- (D) The following procedure shall be followed by the Board of Adjustment in considering the recommendation of the Zoning Administrator:
 - (1) The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment.
 - (2) Before any Conditional Use Permit shall be granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) off-street parking and loading areas where required,
 - (c) refuse and service areas, with particular reference to (a) and (b) above;

- (d) utilities, with reference to locations, availability, and compatibility;
 - (e) screening and buffering with reference to type, dimensions and character;
 - (f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
 - (g) required yards and other open space;
 - (h) general compatibility with adjoining properties and other property in the zoning district in which such use is to be located,
- (E) In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Conditional Use Permit. A Conditional Use Permit shall remain valid only as long as the original applicant complies with any terms and conditions of the Conditional Use Permit, as attached by the Board of Adjustment.
- (F) The Board of Adjustment shall make a finding that it is either empowered or not empowered by these Zoning Regulations to grant the requested Conditional Use Permit, and that such Conditional Use Permit is either consistent or inconsistent with the intent of these Zoning Regulations.

4.04.03 Variances. Variances are designed to allow some flexibility in the Zoning Regulations, in cases where the exceptional shape of a parcel of land, in cases where use of a property is overwhelmingly effected by exceptional topographic conditions, or any other extraordinary situation or condition of such parcel of land. Variances are to be approved only when a property owner demonstrates that the provisions of all or part of these Zoning Regulations present an undue hardship on such property owner's use of such parcel of land. A Variance shall include a description of the specific regulatory item or items in these Zoning Regulations which are found to produce said undue hardship. Variances shall also only be granted when the Board of Adjustment finds that such relief from these Zoning Regulations will be neither detrimental to the public good nor in conflict with the intent of these Zoning Regulations.

The following procedure for requesting a Variance shall be followed:

- (A) An Application for Variance, available from the Zoning Administrator or Finance Officer, shall be completed by the landowner requesting the Variance. Completed applications shall be returned to the Zoning Administrator for review. To be considered by the Board of Adjustment, the application form shall be completed. If any of the information required by 4.04.01(A) has changed since the original Building Permit application, the revised, updated or corrected information shall accompany the application for a Variance.
- (B) The Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

- (C) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Variance. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Variance.
- (D) The following procedure shall be followed by the Board of Adjustment in considering the recommendation of the Zoning Administrator:
- (1) The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment.
 - (2) Before any Variance shall be granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual Variances and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (a) Special conditions or circumstances exist which are peculiar to the use or structure involved and are not applicable to other uses or structures in the same district,
 - (b) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance,
 - (c) The special conditions or circumstances are not the result of the applicant's actions,
 - (d) Granting the variance requested will not give the applicant any special privilege that is denied to other uses or structures in the district,
 - (e) The variance requested is the minimum variance that will make possible the reasonable use of property or structure,
 - (f) Granting of the variance will comply with the general purpose and intent of this ordinance, and will not be offensive to adjacent areas or to the public welfare.
 - (g) No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.
- (E) In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.
- (F) The Board of Adjustment shall make a finding that granting such request for Variance either is or

is not necessary to ameliorate an undue hardship on the property owner's use of such parcel of land, and that such decision is consistent with the intent of these Zoning Regulations.

4.04.04 Amendments. Zoning Amendments are changes to the City of Valley Springs's Zoning Regulations. Applications for amendment may be submitted by either the City or any owner of land within the City. The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, or repealed, provided however, that no such action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.

The following procedure for requesting a Amendment shall be followed:

- (A) An Application for Amendment, available from the Zoning Administrator or Finance Officer, shall be completed and submitted for review and shall be accompanied by any required attachments and fees. The Zoning Administrator shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning Commission for review.
- (B) The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. If an individual landowner has petitioned for a change in zoning of his/her property, he/she shall notify all adjacent landowners by registered or certified mail on the petitioned zoning change at least seven (7) days prior to the Planning Commission public hearing (SDCL 11-2-28.1) and will be required to bring postal receipts to the Planning Commission public hearing, as well. Property shall be considered as adjacent even though it may be separated from the property of the petitioner by a public road or highway. Notice of the Planning Commission public hearing shall be posted on the property for which the rezone or amendment is sought ten (10) days prior to the Planning Commission public hearing. The Zoning Administrator shall also publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Amendment; such notice shall be published once not less than ten (10) days prior to the public hearing.
- (C) The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
- (D) The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.
- (E) The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall also publish notice of the public hearing in a newspaper of general circulation in the area affected for a proposed amendment or change of zone. Such notice shall be published in a legal newspaper of the City once not less than ten (10) days prior to the City Council public hearing.
- (F) The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these Zoning Regulations, in accordance with standard procedures for reading, approval, publication and effective date.
- (G) When a proposed amendment or change of zone is approved by the City Council, the

amendment shall take effect twenty (20) days after publication, unless the referendum shall have been invoked.

Chapter 4.05 APPEALS

4.05.01 Generally. Persons making an application for Building Permits, Conditional Uses, Variances or Zoning Amendments may appeal a decision to deny any such application by the Zoning Administrator, Board of Adjustment or City Council. Recommendations made by the Zoning Administrator or Board of Adjustment are not considered to be decisions subject to appeal.

4.05.02 Procedures. The following procedure is hereby established for appealing decisions to deny any such application by the Zoning Administrator, Board of Adjustment or City Council:

Any person or persons, or any board or taxpayer aggrieved by any decision of the Zoning Administrator, may seek review by appearing at a Board of Adjustment meeting and petitioning the Board to consider the application. The Board of Adjustment may or may not approve the application. The Board of Adjustment shall notify the petitioner(s) by letter within two weeks of hearing said petition, with such letter including the decision of the Board of Adjustment and any reasons for said decision.

Any person or persons, or any board or taxpayer aggrieved by any decision of the Board of Adjustment, may seek review by filing a petition with the Finance Officer no less than two weeks before the next City Council meeting. Such petition shall be reviewed at the next City Council meeting. The City Council may or may not grant the request of the petitioner(s). The City Council shall notify the petitioner(s) by letter within two weeks of reviewing said petition, with such letter including the decision of the City Council and any reasons for said decision.

Any person or persons, or any board or taxpayer aggrieved by any decision of the City Council relating to these Zoning Regulations may seek review by filing a petition with a court record in the manner and form provided by South Dakota law.

ZONING REGULATIONS

City of Valley Springs, South Dakota

Notice of Public Hearing published: August 20, 2003
Public Hearing held by Planning Commission: September 2, 2003
Notice of Public Hearing published: September 3, 2003
Public Hearing held by City Council: September 16, 2003
First Reading held by City Council: September 16, 2003
Second Reading held by City Council: September 24, 2003
Notice of Adoption published: September 24 and October 1, 2003
Effective Date: October 21, 2003

*Prepared by the South Eastern Council of Governments
at the direction of the Planning Commission and City Council
of the City of Valley Springs, South Dakota*

NOTICE OF PUBLIC HEARING

ZONING REGULATIONS FOR THE CITY OF VALLEY SPRINGS

Notice is hereby given that the Valley Springs Board of Commissioners will hold a public hearing to receive public input concerning the Valley Springs proposed adoption of Zoning Regulations. The hearing will be held at the Valley Springs City Hall at the following time on the following date:

At 7:00 PM on Tuesday, the 16th day of September, 2003.

Copies of the proposed Zoning Regulations are available for public review during normal business hours at the Valley Springs City Hall.

At the Public Hearing, all persons will be given a full, fair and complete hearing and are encouraged to attend and make their views known. Those not able to attend are invited and encouraged to send written comments to the City of Valley Springs, PO Box 118, Valley Springs SD 57068.

Information regarding accessibility for the disabled may be obtained by calling the Finance Officer at 757-6555. Anyone who is hearing impaired may call the South Dakota Relay (TDD) number at 800-877-1113. Anyone who is disabled and needs special arrangements should contact the Finance Officer at least 48 hours prior to the hearing.

Sandy Severtson
Finance Officer

Publish: September 3, 2003

Notice to Paper:

Please send a copy of the affidavit of publication to the following:

**Mike Struck
South Eastern Council of Governments
1000 N. West Ave.
Suite 210**

Sioux Falls, SD 57104

ORDINANCE NO. 278

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF VALLEY SPRINGS, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALLEY SPRINGS, SOUTH DAKOTA:

That this Ordinance establishes zoning regulations for the City of Valley Springs, South Dakota, with such regulations being set forth in the document titled Zoning Regulations; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance or parts thereof in conflict with this Ordinance.

First Reading: September 9, 2003

Second Reading: September 16, 2003

Publication Date: September 24, 2003

Effective Date: October 21, 2003

Mayor, City of Valley Springs

ATTEST: Finance Officer, City of Valley Springs

NOTICE OF ADOPTION

ORDINANCE NO.278 ESTABLISHING ZONING REGULATIONS FOR THE CITY OF VALLEY SPRINGS, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Notice is hereby given that Ordinance No.278 establishing zoning regulations for the City of Valley Springs, South Dakota, with such regulations being set forth in the document titled Zoning Regulations; providing for restrictions, district boundaries and a zoning map, and providing for repeal of all ordinances or parts thereof in conflict therewith, was duly adopted by the City Council on the 16th day of September, 2003 and will become effective on the 21st day of October, 2003 unless the referendum shall be invoked.

Dated this 18th day of September, 2003

Sandy Severtson
Finance Officer

TABLE OF CONTENTS

NUMBER	DESCRIPTION	PAGE
ARTICLE 1: GENERAL PROVISIONS		
Chapter 1.01: TITLE AND APPLICATION		
1.01.01	Title	1
1.01.02	Jurisdiction	1
1.01.03	Intent	1
Chapter 1.02: ORDINANCE PROVISIONS		
1.02.01	Provisions Declared to be Min. Requirements	1
1.02.02	Penalties for Violation	1
1.02.03	Separability Clause	1
1.02.04	Repeal of Conflicting Ordinances	1
1.02.05	Effective Date	1
Chapter 1.03: OFFICIAL ZONING MAP		
1.03.01	Adoption of Official Zoning Map	2
1.03.02	Changes to Official Zoning Map	2
1.03.03	Replacement of Official Zoning Map	2
1.03.04	Annexations	2
ARTICLE 2: DEFINITIONS		
Chapter 2.01: GENERAL TERMS		3
Chapter 2.02: WORDS AND PHRASES		3
ARTICLE 3: REGULATIONS		
Chapter 3.01: CITY-WIDE REGULATIONS		
3.01.01	Like Uses	10
3.01.02	Visibility at Intersections	10
3.01.03	Accessory Buildings	10
3.01.04	Structures to have Access	10
3.01.05	Manufactured Homes	10
3.01.06	Manufactured Home Parks	11
3.01.07	Off-Street Parking Spaces (TABLE 3-1)	12
3.01.08	Signs	12
3.01.09	Permitted Signs	13
3.01.10	Private Wastewater Treatment Systems (septic tanks)	13
3.01.11	Permanent Foundations Required for Dwellings	13
3.01.12	Fences	13
3.01.13	Curb, Gutter and Sidewalk Required for Improvement over \$5,000	13
3.01.14	Termite Inspection of Structures to be Moved into City	13

3.01.15	Site Improvement / Damage Repair for Demolition/ Removal	13
3.01.16	Permit Required for Changing Outside Dimensions Building	14
Chapter 3.02: NON-CONFORMING USES		
3.02.01	Uses and Structures	14
3.02.02	Lots of Record	14
Chapter 3.03: DISTRICT REGULATIONS		
3.03.01	Generally	14
3.03.02	Application of District Regulations	15
3.03.03	Zoning Districts	15
3.03.04	Interpretation of District Boundaries	16
3.03.05	District Regulations Established	16
	DISTRICT	PAGES
	A: Agricultural	17-18
	B-1: Central Business	19-21
	B-2: General Business	22-24
	F: Floodplain	25
	I-1: Light Industrial	26-27
	I-2: General Industrial	28-29
	R-1: Residential	30
	R-2: General Residential	31

ARTICLE 4: ADMINISTRATION

Chapter 4.01: GENERALLY		
4.01.01	Applications and Fee Schedule	32
4.01.02	Issuance of Permits	32
4.01.03	Expiration of Permits	32
Chapter 4.02: ZONING ADMINISTRATOR		
4.02.01	Establishment and Purpose	32
4.02.02	Duties	32
4.02.03	Powers	33
Chapter 4.03: BOARD OF ADJUSTMENT		
4.03.01	Establishment	33
4.03.02	Procedures for Meetings	33
4.03.03	Powers and Duties	33
Chapter 4.04: PROCEDURES FOR APPLICATIONS		
4.04.01	Building Permits	34
4.04.02	Conditional Use Permits	35
4.04.03	Variances	36
4.04.04	Amendments	38
Chapter 4.05: APPEALS		
4.05.01	Generally	39
4.05.02	Procedures	39