

TITLE III

ZONING

CHAPTER 3.01

GENERAL AND SPECIFIC PROVISIONS

3.0101 Establishment of Provision for Official Zoning Map

- (a) Official Zoning Map. The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.
- (b) The Official Zoning Map, shall be identified by the signature of the Mayor attested by the Municipal Finance Officer and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.0101 of Chapter 3.01 of the 1987 Revised Ordinances of the City of Springfield, South Dakota" together with the date of the adoption of this ordinance.
- (c) The Official Zoning Map, and all changes, amendments, or additions thereto, shall be located in the office of the Municipal Finance Officer (or other place easily accessible to the public.)

3.0102 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot line.
- (c) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (e) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (f) Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

- (g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 4 above, the Board of Adjustment shall interpret the district boundaries.
- (h) 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 special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

3.0103 Application of District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- (a) No building, structure, or land shall hereafter be used or occupied, and no building or structure or portion thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located; provided, however, that outside of the corporation limits of Springfield, the use of land for farming or agricultural purposes, except commercial feed lots, is specifically exempt from the provisions of this ordinance.
- (b) No building or other structure shall hereafter be erected or altered;
 - (1) to exceed the height or bulk'
 - (2) to accommodate or house a greater number of families;
 - (3) to occupy a greater percentage of lot area;
 - (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- (c) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (d) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date this ordinance shall meet at least the minimum requirements established by this ordinance.
- (e) All territory which may hereafter be annexed to the City shall be considered to be in the agricultural district until otherwise classified.

3.0104 Non-Conforming Uses

Intent. A non-conforming use of a building and land at the time of the adoption of the zoning ordinance incorporated in this Section may be continued although such use does

not conform with the provisions hereof. Such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. And the following additional regulations shall apply:

- (a) Whenever a district shall be hereafter changed, any then existing non-conforming use in such changed district may be continued, provided all other regulations governing the use are complied with;
- (b) A non-conforming use if changed to a conforming use shall not thereafter be changed back to any non-conforming use;
- (c) A non-conforming use if changed to a more restricted non-conforming use shall not thereafter be changed unless to a still more restricted use;
- (d) Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than one-half of its assessed value, a permit may be granted for its reconstruction within a period of not to exceed six months from the date of such fire or other calamity; and
- (e) Where a non-conforming use has existed and such non-conforming use is not exercised or continued for a period of one year, such non-conforming use shall cease to exist and the premises and building or buildings which have been subjected to such non-conforming use shall thereafter conform to the use and regulation of the district in which such premises or building is located.

3.0105 Schedule of District Regulations Adopted

District Regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Section 3.1201 of this ordinance, entitled "Supplementary District Regulations". For purposes of this ordinance the following zoning districts and zoning map designations are established:

A – Agricultural
R1 – Single-Family Residential
R2 – Two-Family Residential
R3 – Multiple-Family Residential
C – Commercial
HC – Highway Commercial
I – Industrial
E – Environmental Conservation
M – Manufactured Home Park
V – Vacation Recreation Area

TITLE III

CHAPTER 3.02

A - AGRICULTURAL

3.0201 Intent

This district is intended to provide for general agricultural use. All land annexed into the City shall be classified as an Agricultural District until need to change the zoning is demonstrated to the Zoning Commission and an application for change of zone is filed in accordance with Section 3.1503 of this ordinance.

3.0202 Principal Permitted Uses

- (a) All agricultural uses except sales and auction yards or barns.
- (b) Plant nurseries and truck gardens.
- (c) Riding stables.
- (d) Single family dwellings, modular, and manufactured homes as part of a farming operation.
- (e) Lumbering, mining and extraction of minerals or raw materials.

3.0203 Permitted Accessory uses and Structures

- (a) Uses and structures customarily incident to the principal use of the district.
- (b) Temporary roadside stands for retail sale of produce.
- (c) Customary home or farmstead occupations.

3.0204 Special Exception Uses and Structures

- (a) Temporary fairgrounds and amusement parks not closer than 500 feet to any residential district, with no structure or apparatus within 30 feet of any property line.
- (b) Cemeteries.
- (c) Golf courses or country clubs.
- (d) Sanitary landfills for the proper disposal of refuse, provided such use shall not be located nearer than 1,000 feet to any residential district or dwelling.
- (e) Sewage Treatment facilities or lagoons.
- (f) Utility substations necessary to the functioning of the utility provided they are located in conformance to the yard requirements.
- (g) Airports.
- (h) Amphitheaters, stadiums, drive-in movies, arenas and field houses.
- (i) Campgrounds.
- (j) Churches or other places of worship.
- (k) Federal government grain storage.
- (l) One manufactured home per farmstead; (20 acres) PURSUANT TO Section 3.1210.

3.0205 Minimum Lot Area and Width

- (a) The minimum lot area shall be on and one-half (1 ½) acres; and the minimum lot width at the front building line shall be two hundred (200) feet.

3.0206 Minimum Front, Side, and Rear Yards

- (a) The minimum yard dimensions shall be a front yard of not less than seventy (70) feet depth, a side yard of not less than forty (40) feet depth, and a rear yard of not less than fifty (50) feet depth.

3.0207 Maximum Height

- (a) The height of any dwelling unit shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories.

3.0208 Sign Requirement

All signs shall be maintained in a neat and presentable condition and in the event they shall become illegible or their use shall cease, they shall be removed promptly and the area occupied restored to a condition free of refuse and debris.

TITLE III

CHAPTER 3.03

R1 – SINGLE-FAMILY RESIDENTIAL

3.0301 Intent

This district is intended to provide for a moderate density of single-family residential dwellings within the existing ranges of municipal services, or where municipal services can be obtained or developed economically.

3.0302 Principal Permitted Uses

- (a) Dwelling, single-family.
- (b) Modular homes pursuant to Section 3.1210 (a, b, c, d, e, f, g, h).
- (c) Churches and places of worship.
- (d) Public and private schools.
- (e) Public parks, playgrounds, or playfields.
- (f) Community buildings owned and/or occupied by public agencies.
- (g) Nursing, convalescent, and retirement homes.

3.0303 Required Off-Street Parking

- (a) Dwelling, single-family: 1 space per vehicle

- (b) Churches and places of worship: 1 space for each six seats in principal assembly area.
- (c) Public and private schools: 1 space for each 6 seats in auditorium or stadium.
- (d) Public parks, playgrounds, or playfields: 1 space for each six seats in grandstand or stadium; 8 spaces per acre if a family picnic area; 20 spaces per acre if a group picnic area; none required for playgrounds or playfields.
- (e) Community buildings owned and/or occupied by public agencies: 1 space for each 300 square feet floor area.
- (f) Nursing, convalescent, and retirement homes: 1 space for each 4 beds.

3.0304 Permitted Accessory Uses and Structures

- (a) Private garage containing not more than three vehicle spaces.
- (b) Customary home occupations.
- (c) Temporary buildings for uses incidental to construction work provided such buildings are removed promptly upon termination of construction work.

3.0305 Special Exception Uses and Structures

Subject to Chapter 3.14 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

- (a) Professional offices, on lots of 5,000 square feet or more, that provide 1 parking space for each 300 square feet of floor area and are in conformance with the yard requirements for dwellings.
- (b) Funeral homes and mortuaries on lots of 12,000 square feet or more that provide 1 parking space for each 50 square feet of parlor area and conform to the yard requirements for dwellings.
- (c) Nursery schools or day-care centers operated as an accessory use to private, single-family residence on lots of 12,000 square feet or more.
- (d) Electrical and gas distribution substations, and other public utility installations provided that any building, substation, or other installation shall conform to the front and rear yard requirements for dwellings and have side yards of not less than 25 feet, but shall not include equipment storage, maintenance yards of buildings, or general administrative or sales offices.
- (e) Dwellings, two-family.
- (f) Manufactured homes pursuant to Section 3.1210.
- (g) This ordinance does not supersede or abolish any existing covenants in effect on the date of the adoption of this ordinance.

3.0306 Minimum Lot Area and Width

- (a) Single Family Dwellings

Area	6,160 square feet
Width	44 feet

3.0307 Minimum Required Front, Side, and Rear Yards

- (a) Dwellings
 - Front 20 feet
 - Side-Interior Lot 6 feet
 - Side-Corner Lot 20 feet
 - Rear 20 feet
- (b) Accessory Structures. All accessory structures shall conform to the same yard requirements as dwellings, except that a private garage may be built within 2 feet to a rear lot line and no closer than 20 feet to any street line.

3.0308 Maximum Height

- (a) All structures 35 feet or 2 ½ stories.

3.0309 Permitted Signs

- (a) Name plate or home occupation sign not larger than 1 square foot in area.
- (b) Temporary sign advertising the sale or lease of the premises, not larger than 8 square feet in area.
- (c) Church and public building bulletin boards not larger than 12 square feet in area.
- (d) All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed within 15 days or be subject to a penalty as set forth in Section 3.1506 of this ordinance.

TITLE III

CHAPTER 3.04

R2 – TWO FAMILY RESIDENTIAL

3.0401 Intent

This district is intended to provide for a moderate to high density of single-family and two family residential dwellings within the existing ranges of municipal services, or where municipal services can be obtained or developed economically.

3.0402 Principal Permitted Uses

- (a) Any use permitted in R1-Single Family Residential
- (b) Dwellings, two-family

- (c) Dwellings, three-family
- (d) Dwellings, four-family
- (e) Manufactured Homes pursuant to Section 3.1210
- (f) Modular Homes Pursuant to section 3.1210 (a, b, c, d, e, f, g, h)

3.0403 Required off-Street Parking

- (a) Same as required for R1- Single Family Residential, Section 3.0303.

3.0404 Permitted Accessory Uses and Structures

- (a) Same permitted uses and structures as R1-Single Family Residential, Section 3.0304.

3.0405 Special Exception Uses and Structures

- (a) Same special exception uses and structures as provided for in R1-Single Family Residential, Section 3.0305.

3.0406 Minimum Lot Area Width

- (a) Area 6336 square feet
- (b) Width 44 feet

3.0407 Minimum Required Front, Side, and Rear Yards

- (a) Dwellings

Front	20 feet
Side-Interior	6 feet
Side-Corner	20 feet
Rear	20 feet
- (b) Accessory Structures. All accessory structures shall conform to the same yard requirements as dwellings, except that no private garage may be built closer than 2 feet to a rear lot line and no closer than 20 feet to any street line.

3.0408 Maximum Height

- (a) All structures 35 feet or 2 ½ stories

3.0409 Permitted Sign

- (a) Same permitted sign as provided in R1-Single Family Residence under Section 3.0309.

TITLE III

CHAPTER 3.05

R3 – MULTIPLE-FAMILY RESIDENTIAL

3.0501 Intent

The district is intended to provide for a high density of residential dwellings, including family units, within the existing ranges of municipal services.

3.0502 Principal Permitted Uses

- (a) Any use permitted in R1 and R2 district.
- (b) Dwellings, multiple-family.
- (c) Dwellings, three-family.
- (d) Dwellings, four-family.
- (e) Manufactured homes pursuant to Section 3.1210.
- (f) Modular Homes pursuant to Section 3.1210 (a, b, c, d, e, f, g, h).

3.0503 Required Off-Street Parking

- (a) Multiple dwellings; 1 space per dwelling unit in the building.

3.0504 Permitted Accessory Uses and Structures

- (a) Private Garages.
- (b) Temporary buildings for use incidental to construction work provided such buildings are removed promptly upon termination of construction work.

3.0505 Minimum Lot Area and Width

- (a) Single Family Dwelling:
 - Area 4500 feet
 - Width 44 feet
- (b) Two Family Dwellings:
 - Area 2500 square feet per family
 - Width 44 feet
- (c) Multiple-Family Dwellings:
 - Area 1500 square feet per family
 - Width 44 feet

3.0506 Minimum Required Front, Side, and Rear Yards

- (a) Dwellings
 - Front 20 feet
 - Side-Interior 6 feet

- | | | |
|--|-------------|---------|
| | Side-Corner | 20 feet |
| | Rear | 20 feet |
- (b) Accessory Structures. All accessory structures shall conform to the same yard requirements as dwellings, except that no private garage may be built closer than 2 feet to a rear lot line and no closer than 20 feet to any street line.

3.0507 Maximum Height

- (a) All Structures
45 feet or 4 stories

3.0508 Permitted Signs

- (a) Name plate or home occupation sign not larger than one (1) square foot in area.
- (b) Temporary sign advertising the sale or lease of the premises, not larger than 8 square feet in area.
- (c) All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed within 15 days or be subject to a penalty as set forth in Section 3.1506 of this ordinance.

TITLE III

CHAPTER 3.06

C – COMMERCIAL

3.0601 Intent

The intent of the C-Commercial District is to provide a downtown commercial area for business which provides community and trade area services.

3.0602 Principal Permitted Uses

- (a) Antique stores.
- (b) Apparel and accessory stores
- (c) Bakeries, retail only.
- (d) Banks.
- (e) Barber and beautician services.
- (f) Beer, wine, and alcoholic beverage retail stores.
- (g) Book and stationery stores.
- (h) Bowling alleys.
- (i) Camera and photographic supply stores.
- (j) Confectionery stores.
- (k) China and glassware stores.

- (l) Civic, social, and fraternal associations. Community buildings owned by public agencies.
- (m) Credit services, including loan offices.
- (n) Community buildings owned by public agencies.
- (o) Dairy product retail stores.
- (p) Dental services.
- (q) Department stores.
- (r) Drapery, curtain, and upholstery stores.
- (s) Drinking places, including taverns.
- (t) Drug and proprietary stores.
- (u) Dwellings as permitted in R3.
- (v) General merchandise retail stores.
- (w) Eating places, indoor (outdoor).
- (x) Electrical appliances and television sales and repair.
- (y) Engineering and Architectural services.
- (z) Filling stations (gasoline stations).
- (aa) Finance, insurance, and real estate services.
- (bb) Floor coverings, retail.
- (cc) Food lockers without preparation facilities.
- (dd) Food stores, general retail.
- (ee) Furniture, and home furnishings retail.
- (ff) Fur storage and retail.
- (gg) Gifts, novelties, and souvenir stores.
- (hh) Grocery Stores.
- (ii) Hardware retail stores.
- (jj) Heating and air conditioning equipment retail.
- (kk) Jewelry retail.
- (ll) Laundry, self-service and/or dry cleaning plants.
- (mm) Legal services.
- (nn) Mail order houses, retail only.
- (oo) Meat markets, retail only
- (pp) Medical and other health services.
- (qq) Motion picture theater, indoor.
- (rr) Office furniture and supplies retail.
- (ss) Paint, glass, and wallpaper retail.
- (tt) Printing and engraving services.
- (uu) Public parks.
- (vv) Parking lots.
- (ww) Radio and television broadcast studios.
- (xx) Recreation center, indoor only.
- (yy) Savings and loan associations.
- (zz) Shoe repair services.
- (aaa) Shoe sales, retail.
- (bbb) Sporting goods, retail.
- (ccc) Telephone and telegraph exchange stations.
- (ddd) Tires, batteries, and accessories, retail.
- (eee) Utilities office and administrative services.

- (fff) Welfare and charitable services.

3.0603 Required Off-Street Parking

- (a) No specific requirements except for the following uses:
 - (1) Community buildings owned and/or occupied by public agencies: 1 space for each 300 square feet of floor area.
 - (2) Parking lots: parking requirements contained in Section 3.1209 of this ordinance apply.

3.0604 Permitted Accessory Uses and Structures

Accessory buildings and uses customarily incidental to the principal uses permitted in this district are also permitted, excluding outdoor storage of merchandise or machinery or the conducting of repair services except in an enclosed building or garage.

3.0605 Special Exception Uses and Structures

- (a) Subject to Chapter 3.14 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:
 - (1) Any professional or educational service not specifically listed above.
 - (2) Funeral homes and mortuaries on lots of 12,000 square feet or more, providing 1 off-street parking space for each 50 square feet of parlor area.
 - (3) Electrical and gas distribution substations, and other public utility installations, but not including equipment storage or maintenance yards.

3.0606 Minimum Lot Area, Width and Depth

- (a) None specified except as listed above in “Special Exception Uses and Structures.”

3.0607 Minimum Required Front, Side and Rear Yards

- (a) None required except where a C-Commercial district abuts a residential or Agricultural District, a twenty-five (25) foot yard shall be provided between a permitted commercial structure and the district boundary.

3.0608 Maximum Height

- (a) 45 feet or 4 stories.

3.0609 Permitted Signs

- (a) Name plate or home occupation sign not larger than one square foot in area.
- (b) Temporary sign advertising the sale or lease of the premises, not larger than 8 square feet in area.
- (c) Church and public building bulletin boards not larger than 12 square feet in area.
- (d) Signs identifying the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access, not to exceed five square feet in area.
- (e) Trade or business signs relating only to the services, articles, or products offered within the building to which it is attached, providing also that:
 - (1) Signs mounted flat on the wall of a building shall not exceed 10% of the area of the wall or 100 square feet, whichever is smaller.
 - (2) Overhanging signs attached to the building, shall not project above the height of the building, or more than four feet from the face of the building, and shall not be larger than 30 square feet in area.
 - (3) Not more than one sign of each category above may be provided for any single use, although each sign may be a double faced or back to back sign.
- (f) All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed within 15 days or be subject to a penalty as set forth in Section 3.1506 of this ordinance.

TITLE III

CHAPTER 3.07

HC – HIGHWAY COMMERCIAL

3.0701 Intent

The Highway Commercial District is intended to provide for commercial area for those businesses which normally function with and need major highway access.

3.0702 Principal Permitted Uses

- (a) Automobile and truck sales, service, and repair.
- (b) Auto wash.
- (c) Bottled gas and gasoline and fuel transfer and distribution.
- (d) Bus terminals.

- (e) Contract construction services.
- (f) Dwellings as in R1, R2, or R3 may be allowed.
- (g) Farm machinery and equipment sales and services.
- (h) Feed, grain, and fertilizer sales.
- (i) Lumber yards and construction materials sales.
- (j) Plumbing and heating services.
- (k) Railroad and truck terminals, excluding stockyards.
- (l) Veterinary services and small animal hospital.
- (m) Wholesale distribution and warehousing.
- (n) Garden supplies and nurseries.
- (o) Golf driving ranges.
- (p) Marine craft and accessories.
- (q) Manufactured/modular home sales.
- (r) Miniature golf courses.
- (s) Motels.
- (t) Public utility installations and equipment storage.
- (u) Restaurants, including drive-ins.
- (v) Theaters, drive-in.
- (w) Financial Institutions, Banks, Credit Unions, Savings & Loans, including drive-ins.

3.0703 Minimum Off Street Parking Requirements

- (a) Parking shall be provided in the ratio of not less than one space for each two hundred square feet of floor space in the building used for commercial purposes. Such parking space may be located on the same lot as the building or within 300 feet of the building, provided it does not cross a divided street or divided highway.

3.0704 Permitted Accessory Uses and Structures

- (a) Uses and structure customarily incidental to the principal uses of this district.
- (b) Storage warehouses in conjunction with permitted principal uses.
- (c) Vehicle storage garages or lots enclosed by a 5 foot high opaque fence or planted screen.

TITLE III

CHAPTER 3.08

I – INDUSTRIAL

3.0801 Intent

This district is intended to provide for the future development of new industrial and certain commercial activities in areas where municipal utilities are most readily available

and in areas where ingress and egress can be provided in a safe and convenient manner. The activities located in this district should be engaged in either manufacturing, wholesale commercial trade, or commercial trade, with the majority of the trade or commerce having a market area external to the immediate Springfield area. It is further intended that activities proposing to locate in any of the areas designated Industrial shall satisfy the Planning Commission and the City Council that the activities conducted in the aforementioned areas shall conform to the pollution control standards in existence for the State of South Dakota. No use shall be permitted that does not conform to these minimum pollution control standards.

3.0802 Principal Permitted Uses

- (a) Terminal yard, trucking.
- (b) Wholesale distribution and warehousing.
- (c) Manufacture and/or assembly of component parts.
- (d) Food processing and packaging.
- (e) Fertilizer production or mixing.
- (f) Concrete batch plant.
- (g) Cement or clay products manufacture.
- (h) Contract construct equipment storage.
- (i) Fuel storage yard.
- (j) Machine shops.
- (k) Truck and tractor repair.
- (l) Manufactured/Modular home construction.
- (m) Beverage bottling or distribution.

3.0803 Minimum Off Street Parking Requirements

- (a) Parking shall be provided in the ration of not less than one space for each two hundred square feet of floor space in the building used for commercial purposes. Such parking space may be located on the same lot as the building, provided it does not cross a divided street or divided highway.

3.0804 Prohibited Uses

- (a) Any residential dwelling except caretaker or watchman quarters.
- (b) Hotels, motels, manufactured homes, and manufactured home parks.
- (c) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools.
- (d) Restaurants, unless for private use of one industrial or commercial establishment and located on the same site as the establishment it serves.
- (e) Taverns.

3.0805 Permitted Accessory Uses

- (a) Uses and structures customarily incidental to the principal uses of this district.

- (b) Temporary buildings for uses incidental to construction work provided such buildings are removed promptly upon termination of construction work.
- (c) Vehicle storage garages or lots enclosed by a 5 foot high opaque fence or planted screen.

3.0806 Minimum Required Front, Side and Rear Yard

- (a) Front 20 feet
- (b) Rear 20 feet
- (c) Side 10 feet

3.0807 Maximum Height

- (a) 45 feet or 4 stories.

TITLE III

CHAPTER 3.09

E – ENVIRONMENTAL CONSERVATION DISTRICT

3.0901 Intent

It is the intent of this district to provide for the retention of unique natural areas and prevent the destructive uses of such land.

3.0902 Principal Permitted Uses

- (a) Open spaces, parks, both public and private, fish and wildlife preserves, recreation areas, boat docks and piers.

3.0903 Permitted Accessory Uses and Structures

- (a) Necessary utilities which support environmental conservation district activities.
- (b) On-site signs which are necessary for the identification of environmental conservation district facilities and activities.

3.0904 Permitted Conditional Uses

- (a) Commercial outdoor recreation uses that coordinate with principal permitted uses, as determined by the Zoning Commission.

3.0905 Minimum Required Front, Side, and Rear Yard

- (a) Front 75 feet

- (b) Side 100 feet
- (c) Rear 50 feet

3.0906 Maximum Height

- (a) All structures 35 feet

TITLE III

CHAPTER 3.10

MANUFACTURED HOME PARK (M)

3.1001 Intent

This district is intended to provide orderly, safe, and healthful development of manufactured home parks within the city and within the area surrounding the city.

3.1002 Principal Permitted Uses

- (a) Manufactured home parks.
- (b) Public parks, playgrounds, or playfields.
- (c) Administrative offices
- (d) Convenience facilities for inhabitants.

3.1003 Required Off-Street Parking

- (a) Manufactured Homes: two spaces per home.

3.1004 Permitted Accessory Uses and Structures

- (a) Private garage containing not more than three vehicle spaces
- (b) Customary home occupations

3.1005 Special Exception Uses and Structures

Subject to Section 3.14 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following.

- (a) Electrical and gas distribution substations, and other public utility installations provided that any building, substation, or other installation shall conform to the front and rear yard requirements for dwellings and have side yards of not less than 25 feet, but shall not include equipment storage, maintenance yards of buildings, or general administrative or sales offices.

3.1006 Minimum Area and Width

- (a) A distance of twelve (12) feet shall be maintained between Manufactured homes in all directions. A distance of twelve (12) feet must also be maintained from the lot line and/or the corner edge of the lot line.
- (b) Manufactured homes shall be parked a minimum of five (5) feet from the lot line at the foremost part of the manufactured home.

3.1007 Additional Regulations

- (a) The park shall comply with all licensing procedures, health, zoning, plumbing, electrical, building, fire prevention and all other applicable ordinances and regulations of the City of Springfield.
- (b) All utilities must be located underground to each lot.
- (c) Private sewage, electrical and water lines must be located at each lot, including a water meter at each lot.
- (d) The request for zoning designation shall specify the location and legal description of the proposed manufactured home park and a plan of the park to include property dimensions, interior roads, proposed manufactured home sites, sanitary utility lines, and other improvements.
- (e) The park shall be properly landscaped, in the opinion of the Planning Commission, so as not to constitute a nuisance to other residents.
- (f) Minimum land area for Manufactured Home Park shall be 2.5 acres.

TITLE III

CHAPTER 3.11

V – VACATION/RECREATION AREA

3.1101 Intent

This district is intended to provide greater flexibility for vacation or recreation types of permanent dwellings, manufactured homes or vehicles, and related commercial establishments.

3.1102 Principal Permitted Uses

- (a) Dwelling, single-family.
- (b) Dwellings, two-family.
- (c) Dwellings, three-family.
- (d) Dwellings, four-family.
- (e) Modular homes pursuant to Section 3.1210 (a, b, c, d, e, f, g, h).
- (f) Manufactured homes pursuant to Section 3.1210 (a, b, c, d, e, f, g, h).
- (g) Campgrounds.
- (h) Vacation/recreation-related commercial establishments.

3.1103 Required Off-Street Parking

- (a) Minimum space: 2 spaces per dwelling or manufactured home. For commercial buildings, Section 3.0603 or 3.0703 shall apply.

3.1104 Permitted Accessory Uses and Structures

Accessory buildings and uses customarily and/or incidental to the principal uses permitted in this district use also permitted. Examples:

- (a) Private garages.
- (b) Customary home occupation.
- (c) Storage buildings.

Adequate storage facilities must be provided, so that outdoor storage of merchandise, machinery, equipment, or residue will not cause the area to become blighted or unsightly, nor cause a nuisance thereby.

3.1105 Special Exception Uses and Structures

Subject to Section 3.14 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

- (a) Electrical and gas distribution substations, and other public utility installations provided that any building, substation, or other installation shall conform to the front and rear requirements for dwellings and have side yards of not less than 25 feet, but shall not include equipment storage, maintenance yards or buildings, or general administrative or sales offices.
- (b) Approve or reject uses not stated in this section.
- (c) Dwellings, multiple-family.

3.1106 Minimum Area and Width

- (a) Manufactured homes: a distance of twelve (12) feet shall be maintained, in all directions, between manufactured homes. Manufactured homes shall be parked a minimum of five (5) feet from the lot line at the foremost part of the manufactured home.
- (b) Dwellings and modular homes:

Front	20 feet
Side-Interior Lot	6 feet
Side-Corner Lot	20 feet
Rear	20 feet
- (c) Commercial
Section 3.0607 shall apply

3.1107 Permitted Signs

Section 3.0609 shall apply.

3.1108 Additional Regulations

- (a) All structures shall comply with all licensing procedures, health, zoning, plumbing, electrical, building, fire-prevention, and all other applicable ordinances and regulations of the City of Springfield.
- (b) All utilities must be located underground to each lot.
- (c) Private sewage, electrical and water lines must be located at each separate unit, including a separate water meter for each unit or lot.
- (d) The request for zoning designation shall specify the location and legal description of the proposed placement of structure or manufactured home, and a plan must be submitted to include property dimensions, interior roads, proposed manufactured, modular, or dwelling sites, sanitary utility lines, and other improvements.
- (e) Lots shall be properly landscaped, in the opinion of the Planning Commission, so as not to constitute a hazard or a nuisance to other residents.

TITLE III

CHAPTER 3.12

SUPPLEMENTARY DISTRICT REGULATIONS

3.1201 Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

3.1202 Fences, Walls and Hedges

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

3.1203 Accessory Buildings

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building.

3.1204 Erection of More than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal 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.

3.1205 Exceptions to Height Regulation

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

3.1206 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, 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.

3.1207 Parking, Storage, or Use of Major Recreational Equipment

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

3.1208 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

3.1209 Parking Lots

Minimum parking lot requirements shall include vehicular access to a street or alley, and two hundred fifty (250) square feet of parking space per vehicle.

3.1210 Manufactured and Modular Home Performance Standards

All modular and those manufactured homes not located in manufactured home parks shall:

- (a) Be set on a permanent foundation with frost footings and the outside perimeter of the home shall be enclosed with a material replicating an exterior wall of a site built home;
- (b) Connect to water and sewer lines via individual services and curb stops;
- (c) Conform to the same lot size(s) and yard requirements as those of single-family and modular dwellings.
- (d) Provide the same off-street parking space(s) as those of single-family and modular dwellings;
- (e) Be shingled with conventional roofing products;
- (f) Have a main roof pitch of not less than three (3) inches of rise for each twelve (12) inches of horizontal run;
- (g) Encase the exterior walls with conventional house siding (flat or corrugated sheet metal is prohibited);
- (h) Have a minimum width of the main body of the manufactured home, as assembled on the site, of not less than twenty (20) feet, as measured across the narrowest portion;
- (i) Be placed with the long axis of the home parallel to the street;
- (j) Remove the running gear and hitch;
- (k) Be anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;
- (l) Meet or exceed the federal HUD Manufactured Home Construction and Safety Standards: and
- (m) Be placed or tied in accordance with the prevailing neighborhood pattern.

Prior to placement of a modular or manufactured home on the foundation, the foundation and materials proposed to enclose the home perimeter must be inspected and approved by the City Zoning Administrator or their designee.

TITLE III

CHAPTER 3.13

ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

3.1301 Administration and Enforcement

An administrative official designated by the City Commission shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Commission may direct.

If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;

discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

3.1302 Building Permits Required

No building or other structure shall be erected, moved, in or out, added to, or structurally altered without a permit therefore issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance. This section does not apply to agriculture or agriculturally related structures.

3.1303 Application for Building Permit

All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the administrative official.

3.1304 Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

3.1305 Expiration of Building Permit

If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the

administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

3.1306 Construction and Use to Be As Provided In Application, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications, and any other use, arrangement, or construction at variance with the authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 3.1506 hereof.

TITLE III

CHAPTER 3.14

BOARD OF ADJUSTMENT

3.1401 Establishment and Procedure

A Board of Adjustment is hereby established pursuant to 11-4-24 of the SDCL, 1999. The City Commission shall act as and perform all the duties and exercise the powers contained in Chapter 11-4 of the SDCL, 1999. The Mayor shall be Chairman of the Board of Adjustment as so composed. The concurring vote of at least two-thirds (2/3) of the members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance or to effect any variation in such ordinance.

3.1402 Proceedings of the Board of Adjustment

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

3.1403 The Board of Adjustment; Powers and Duties

The Board of Adjustment shall have the following powers and duties;

3.1404 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

3.1405 Special Exceptions

Conditions Governing Applications; Procedures to hear and decide only such special exceptions 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 special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance, A special exception shall not be granted by the Board of Adjustment unless and until:

- (a) A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
- (b) Notice of the time and place of the hearing shall be given once at least ten days in advance by publication in a legal newspaper of the municipality. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one other public place at least ten (10) days prior to the public hearing;
- (c) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- (d) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- (e) Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (1) 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;
 - (2) off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
 - (3) refuse and service areas, with particular reference to the items in (1) and (2) above;
 - (4) utilities, with reference to locations, availability, and compatibility;
 - (5) screening and buffering with reference to type, dimensions, and character;
 - (6) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) required yards and other open space;

- (8) general compatibility with adjacent properties and other property in the district.

3.1406 Variances; Conditions Governing Application; Procedures

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (a) A written application for a variance is submitted demonstrating:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structures, or buildings in the same district;
 - (2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

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

- (a) Notice of public hearing shall be given as in Section 3.1405 (b) above;
- (b) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (c) The Board of Adjustment shall make findings that the requirements of Section 3.1406 (a) have been met by the applicant for a variance;
- (d) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (e) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 3.1506 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

3.1407 Board has Powers of Administrative Official on Appeals: Reversing Decision of Administrative Official

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of two-thirds (2/3) of the Members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

3.1408 Appeals From the Board of Adjustment

Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by SDCL 11-4.

TITLE III

CHAPTER 3.15

DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COMMISSION, AND COURTS ON MATTERS OF APPEAL

3.1501 Intent of Procedures for Appeal

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by SDCL 11-4 1999.

Under this ordinance the City Commission acting in the capacity of the city Commission and not as the Board of Adjustment shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 3.1502 of this ordinance.

3.1502 Schedule of Fees, Charges, and Expenses

The City Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

3.1503 Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, modified, or repealed, provided that such modification or repeal shall in each instance be proposed in an ordinance presented to the governing body for adoption in the same manner and upon the same notice as required for the adoption of the original ordinance.

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

- (a) If the proposed changes affect a particular piece of property notification signs shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along the property's street frontage so as to be visible from the street. If a property does not have a street frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings;
- (b) At least ten (10) days before the date of the planning Commission hearing, the City shall have published in a legal newspaper of the City, a notice of the time, place, and subject matter of such hearing;
- (c) If the proposed changes affect a particular piece of property written notice of the public hearing shall be sent to the applicant and all owners of real property lying within one hundred and fifty (150) feet of the property on which the conditional use is pending. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date;
- (d) The Planning Commission shall hold the Public Hearing, review the proposed amendment(s) and make recommendations to the City Council;
- (e) The City shall provide public notification pursuant to Section 3.1503 (a-c) before the date of the City Council hearing;

- (f) The City Council shall hold the Public Hearing, review the proposed amendment(s) and by resolution or ordinance deny or pass the recommendations;
- (g) If the changes are adopted the Planning Commission shall prepare a summary of the changes;
- (h) Once the summary is prepared the City Attorney shall review the changes and forward the changes to the City Finance Officer for publishing; and
- (i) The summary of changes must be published one in a legal newspaper of the City.
- (j) The changes take effect twenty (20) days after publication.

3.1504 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, morals, or 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.

3.1505 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

3.1506 Penalties For Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants or variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200 Two hundred (200) dollars or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

TITLE III

CHAPTER 3.16

SEPARABILITY CLAUSE

3.1601 General Separability

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 thereof other than the part so declared to be unconstitutional or invalid.

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or private agreement, or with restructure covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of the ordinance shall control.

TITLE III

CHAPTER 3.17

ZONING DEFINITIONS

3.1701 Definitions

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

- (a) The work “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (b) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- (c) The word “shall” is mandatory.
- (d) The words “used” or “occupied” include the words intended, designated, or arranged to be used or occupied.
- (e) The word “lot” includes the words plot or parcel.
- (f) Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (g) Alley: A thoroughfare generally sixteen (16) feet in width, and generally less than twenty-two feet in width; unless otherwise designated by ordinance. It is an area or lane platted as a thoroughfare through the center of a block.
- (h) Buildable Area: The portion of a lot remaining after required yards have been provided.

- (i) Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.
- (j) Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
- (k) Dwelling, Two-Family: A building having accommodations for and occupied exclusively by two families.
- (l) Dwelling, Three-Family: A building having accommodations for and occupied exclusively by three families.
- (m) Dwelling, Four-Family: A building having accommodations for and occupied exclusively by four families.
- (n) Dwelling, Multiple Family: A residential building designed for or occupied by five or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (o) Dwelling, Manufactured Home: A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit. Manufactured homes are built according to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured homes are not mobile homes.

The following shall not be included in this definition:

- (1) Travel trailer, pickup coaches, motor homes, camping trailers, or other recreational vehicles; and
- (2) Modular housing which is designed to be set on a permanent foundation and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.
- (p) Dwelling, Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
- (q) Dwelling, Modular Home: A structure or building module that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This definition includes the plumbing, heating, air conditioning, and electrical systems contained within the structure.
- (r) Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

- (s) Camp Site: A camping establishment that is occupied on a temporary basis only, by a trailer, motorized mobile home, truck camper, camper or tent, but not a mobile home.
- (t) Dwelling Unit: One 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 dwellings units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (u) Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five person, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
- (v) Farmstead: An area of twenty (20) acres or more on which is located at least one dwelling unit and on which farm products of a value of one thousand dollars (\$1000) or more are normally produced each year.
- (w) Home Occupation: An occupation conducted in a dwelling unit, provided that:
 - (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
 - (2) 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, and not more than 25 per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - (3) 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 sign, not exceeding one square-foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - (4) No home occupation shall be conducted in an accessory building.
 - (5) There shall be no sales in connection with such home occupation.
 - (6) 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 net off the street and other than in a required front yard.
 - (7) No equipment or process shall be used in such home occupation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- (x) Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance, and fronting upon a street.
- (y) Lot Frontage: The front of a lot shall be construed to be the portion 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, and yards shall be provided as indicated under Yards in this section.
- (z) Lot Measurements:
 - (1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - (2) Width of a lot shall be considered to be 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, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 per cent requirement shall not apply.
- (aa) Lot of Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (bb) Sanitary Landfill: An operation in which garbage or refuse is deposited by a plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six (6) inches over individual cells of garbage or refuse, and to a depth of at least twenty-four (24) inches over the finished landfill. The site is closed at the end of each day.
- (cc) Sign: Any outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards and poster boards.
- (dd) Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- (ee) Street: A thoroughfare or lane platted for vehicular traffic, generally wider than an alley, and generally including the sidewalk abutting property non-street property.
- (ff) Street Line: The right-of-way line of a street.
- (gg) Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Among other things, structures include building, mobile homes, walls, fences, billboards, and poster panels.

- (hh) Travel Trailer: A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.
- (ii) Variance: Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Board of Adjustment.
- (jj) Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard the minimum horizontal distance between the lot line and the main.
- (kk) Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- (ll) Yard, Side: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.
- (mm) Yard, Rear: A yard across the full width of the lot between the back line of the main building and the back line of the lot.