

# **TEA ZONING REGULATIONS**

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

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# 1

## **GENERAL PROVISIONS**

### **1.01 Title and Application**

These regulations shall be referred to as the Zoning Ordinance of the City of Tea.

### **1.02 Jurisdiction**

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

### **1.03 Purpose**

These regulations have been based upon Tea 2025: A Comprehensive Plan for Community Development, and any subsequent amendment revisions or other alterations, adopted and in conformance with Chapter 11-4 and 11-6 of South Dakota Codified Laws. These regulations are designed to carry out the goals, objectives, and policies of the Comprehensive Plan.

The Zoning Ordinance is intended:

- \* to lessen congestion in the streets;
- \* to secure safety from fire, panic and other dangers;
- \* to promote health and the general welfare;
- \* to provide adequate light and air;
- \* to prevent overcrowding of land;
- \* to avoid undue concentrations of population; and
- \* to facilitate the adequate provision of transportation, water, sewers, school, parks and other public necessities.

### **1.04 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.

### **1.05 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, shall constitute a class two misdemeanor. Any person violating any provision of these regulations shall be subject to a fine in an amount not to exceed \$200.00. 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.

### **1.06 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.

### **1.07 Repeal of Conflicting Ordinances**

All prior ordinances or parts of prior ordinances in conflict with this ordinance are hereby declared repealed.

### **1.08 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 Tea, as provided for by South Dakota law.

# 2

## **DISTRICTS AND BOUNDARIES**

### **2.01 Districts Designated**

The city is hereby divided into the following districts:

NRC	Flood Plain / Conservation
R-1	Residential - Single Family
R-2	Residential - Multi-Family
R-3	Residential - Manufactured Housing
CB	Central Business
GB	General Business
LI	Light Industrial
HI	Heavy Industrial

### **2.02 Adoption of Official Zoning Map**

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

### **2.03 Changes to Official Zoning Map**

Changes to or replacement of the Official Zoning Map shall require amendment of these regulations by ordinance, as provided for in 17.01 of these regulations.

### **2.04 Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of the districts 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 Chapter 16, 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.

## **2.05 Annexations**

In all territories which may hereafter be annexed to the City, the zoning districts as they exist in Lincoln County shall be continued until otherwise changed by ordinance.

# 3

## **NRC: NATURAL RESOURCE CONSERVATION DISTRICT**

The purpose of this district is to preserve lands best suited for natural drainage areas, public open space, and agricultural uses from encroachment by incompatible uses. The area will also provide protection from floods and erosion, to protect views, to preserve natural settings for wildlife habitats, to add to the aesthetic quality of the community, and to lessen the urban density.

### **3.01 Permitted Uses**

<b>Permitted Uses</b>	<b>Applicable Standards</b>
<b>Agriculture</b>	11.02
<b>Farm Dwellings, Single-Family</b>	11.02, 11.04, 11.10, 11.11 and not within identified floodplain area
<b>Golf Course</b>	11.02, 11.04, 11.06, 11.06A, 11.06B one freestanding sign allowed as allowed within 11.06
<b>Public Park Areas</b>	11.02, 11.06, 11.06A, 11.06B One freestanding sign as allowed within 11.06
<b>Electrical Substation</b>	An opaque screen, six feet in height located at all setback lines 11.02, 11.11
<b>Public Utility Facility</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11 One freestanding sign allowed as allowed within 11.06
<b>Fences</b>	11.08
<b>Cemeteries</b>	At least 2 acres in size and adequate road system within cemetery 11.02 & not within an identified floodplain area One freestanding sign as allowed within 11.06

Permitted Uses	Applicable Standards
<b>Bed and Breakfast</b>	11.14 & all applicable farm dwelling standards One freestanding sign as allowed within 11.06
<b>Accessory use and structure (i.e. garage, shed)</b>	11.03, 12.02 and definition
<b>Conditional Uses</b>	
<b>One additional single-family dwelling or manufactured home</b>	Said dwelling shall be located within the farmstead perimeter All farm dwelling, single family requirements apply Not within an identified floodplain area 18.01
<b>Wireless Communication Facility on existing support structure</b>	11.09, 18.01 & not within an identified floodplain area
<b>Municipally Owned Waste Water Treatment Facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Home occupation</b>	11.12, 18.01

### 3.02 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
<b>All Uses</b>	1 acre	150 feet	50 feet	30 feet	30 feet	35 feet

#### Exceptions

#1 See Adjustment to Yard Regulations (Chapter 12) for specific exceptions.

# 4

## **R-1: SINGLE FAMILY RESIDENTIAL DISTRICT**

The purpose of this district is to provide for certain low density residential areas the City has now developed primarily with one family detached dwellings and where similar development is likely to occur.

### **4.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Single-family detached dwellings</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.10, 11.11
<b>Single-family attached dwellings (up to 2 dwellings)</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.10, 11.11 (includes twin homes)
<b>Churches</b>	All parking lots being 8 feet from all residential properties One of the principle frontages shall abut upon an arterial or collector street 11.02, 11.04, 11.11 One freestanding sign as allowed within 11.06
<b>Libraries</b>	All parking lots being 8 feet from all residential properties 11.02, 11.04, 11.11 One freestanding sign as allowed within 11.06
<b>Schools</b>	All parking lots being 8 feet from all residential properties One of the principle frontages shall abut upon an arterial or collector street 11.02, 11.04, 11.11 One freestanding sign as allowed within 11.06
<b>Public Park Areas</b>	11.02, 11.06, 11.06A, 11.06B One freestanding sign as allowed within 11.06
<b>Accessory structure (i.e. garage, shed)</b>	11.03, 11.02 (see definition)

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Neighborhood Utilities</b>	11.02
<b>Fences</b>	11.08
<b>Electrical Substation</b>	An opaque screen, six feet in height located at all setback lines 11.11, 11.02
<b>Conditional Uses</b>	
<b>Group Day Care</b>	A safe pickup and drop off area must be provided for the children All single family standards apply 18.01
<b>Bed and Breakfast</b>	11.14, 18.01 & all single-family detached dwelling standards One freestanding sign as allowed within 11.06
<b>Group Home (see definition)</b>	18.01 Structure must be a single housekeeping unit Applicant must provide copy of state agency license All single-family detached dwelling standards apply
<b>Public Service Facilities</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01 One of the principal frontages of the premises shall abut an arterial or collector street One freestanding sign not to exceed 20 square feet in area
<b>Home occupations</b>	11.12, 18.01 and all applicable dwelling standards

#### **4.02 Lot and Yard Regulations**

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04) Lot coverage shall not exceed 50% in R-1 Districts.

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
<b>Single Family Detached</b>	7,500 sq ft (per lot)	75 feet see #1, #3	25 feet	5 feet see #1, #4	25 feet	35 feet
<b>Single Family Attached (2) 2 lots</b>	7,500 sq ft	75 feet	25 feet	5 feet see #2, #4	25 feet	35 feet
<b>Single Family Attached (2) 1 lot</b>	7,500 sq ft	90 feet	25 feet	5 feet see #4	25 feet	35 feet
<b>All other uses</b>	7,500 sq ft	75 feet	25 feet	15 feet see #4	25 feet	35 feet

**Exceptions**

- #1 A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.
- #2 The sideyard is 0 feet on the party wall side of the structure.
- #3 A lot located on a cul-de-sac bulb shall have a lot width of not less than 50 feet.
- #4 There shall be a required front yard on each street side of a corner lot.
- #5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 5

## **R-2: MULTI-FAMILY RESIDENTIAL DISTRICT**

The purpose of this district is to provide for certain high density residential areas the City has now developed primarily with single-family, two-family, and multiple family dwellings and where similar development is likely to occur.

### **5.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Multiple Dwellings (3 or more dwellings)</b>	11.02, 11.04, 11.10, 11.11 one freestanding sign allowed as allowed within 11.06
<b>Single-family detached dwellings</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.10, 11.11
<b>Single-family attached dwellings (up to 2)</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.10, 11.11 (this includes town homes, twin homes and duplexes)
<b>Churches</b>	All parking lots being 8 feet from all residential properties One of the principle frontages shall abut upon an arterial or collector street 11.02, 11.04, 11.11 One freestanding sign as allowed within 11.06
<b>Public Park Areas</b>	11.02, 11.06, 11.06A, 11.06B One freestanding sign as allowed within 11.06
<b>Libraries</b>	All parking lots being 8 feet from all residential properties 11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11 One freestanding sign as allowed within 11.06
<b>Schools</b>	All parking lots being 8 feet from all residential properties One of the principle frontages shall abut upon an arterial or collector street See 11.02, 11.04, 11.08, 11.09 One freestanding sign as allowed within 11.06

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Fences</b>	11.08
<b>Accessory structure (i.e. garage, shed)</b>	11.03, 12.02 <i>see definition</i>
<b>Neighborhood Utilities</b>	See 11.02
<b>Electrical Substation</b>	An opaque screen, six feet in height located at all setback lines See 11.02, 11.11
<b>Conditional Uses</b>	
<b>Group Day Care</b>	A safe pickup and drop off area must be provided for the children All applicable dwelling standards apply 18.01
<b>Group Home (see definition)</b>	Structure must be a single housekeeping unit Applicant must provide copy of state agency license All single-family detached dwelling standards apply 11.04, 18.01
<b>Assisted Living Facility</b>	Applicant must provide copy of Department of Health license All multiple dwelling standards apply One freestanding sign as allowed within 11.06 11.04, 11.11, 18.01
<b>Nursing Home</b>	Applicant must provide copy of Department of Health license 11.02, 11.04, 11.11, 18.01 One freestanding sign as allowed within 11.06
<b>Home occupations</b>	11.12, 18.01 and all applicable dwelling standards
<b>Public Service Facilities</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01 One of the principal frontages of the premises shall abut an arterial or collector street One freestanding sign not to exceed 20 square feet in area

Permitted Use	Applicable Standards
<b>Conditional Uses, Cont.</b>	
<b>Bed and Breakfast</b>	11.14 & all single-family detached dwelling standards One freestanding sign as allowed within 11.06 18.01
<b>Convent/Monastery</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01 one freestanding sign as allowed within 11.06

## 5.02 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
<b>3 to 8 multiple dwellings</b>	7,500 sq ft	50 feet	25 feet	5 feet see #1, #4	10 feet see #4	45 feet
<b>9 to 12 multiple dwellings</b>	20,000 sq ft	75 feet	25 feet	15 feet see #1, #4	10 feet see #4	45 feet
<b>over 12 multiple dwellings</b>	30,000 sq ft	100 feet	25 feet	15 feet see #1, #4	10 feet see #4	45 feet
<b>Single Family Detached</b>	5,000 sq ft	50 feet see #2	25 feet	5 feet see #4	25 feet	45 feet
<b>Single Family Attached (2-8 units)</b>	5,000 sq ft	50 feet	25 feet	5 feet see #3 & #4	25 feet	45 feet
<b>All other uses</b>	7,500 sq ft	75 feet	25 feet	15 feet see #1, #4	25 feet	35 feet

## **Exceptions**

- #1 The sideyard will be required to be increased to 10 feet when the building is three stories in height or more.
- #2 A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.
- #3 If the attached structures are constructed on two or more lots, the sideyard is zero (0) feet on the party wall side of the structure(s).
- #4 There shall be a required front yard on each street side of a corner lot and double frontage lot.
- #5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 6

## **R-3: MANUFACTURED HOUSING RESIDENTIAL DISTRICT**

The purpose of this district is to provide for high density residential areas in the City that may be developed for all types of manufactured housing and support facilities.

### **6.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Manufactured Homes in Licensed Manufactured Home Parks</b>	11.13, 11.02, 11.03, 11.04, 11.06, 11.06A, 11.06B, 11.11 Municipal code regulations regarding manufactured home parks
<b>Manufactured Homes</b>	11.13, 11.02, 11.03, 11.04, 11.06, 11.06A, 11.06B, 11.11 Municipal code regulations regarding manufactured home parks
<b>Electrical Substation</b>	An opaque screen, six feet in height, located at all setback lines 11.11, 11.02
<b>Public Park Areas</b>	11.02, 11.06, 11.06A, 11.06B One freestanding sign as allowed within 11.06
<b>Neighborhood Utilities</b>	11.02
<b>Conditional Uses</b>	
<b>Public Service Facilities</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01 One of the principal frontages of the premises shall abut an arterial or collector street One freestanding sign not to exceed 20 square feet in area

Permitted Use	Applicable Standards
<b>Conditional Uses, Cont.</b>	
<b>Churches</b>	One of the principle frontages shall abut upon an arterial or collector street 11.02, 11.04, 11.11, 18.01 One freestanding sign as allowed within 11.06
<b>Schools</b>	One of the principle frontages shall abut upon an arterial or collector street 11.02, 11.04, 11.11, 18.01 One freestanding sign as allowed within 11.06
<b>Public Service Facilities</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01 One of the principal frontages of the premises shall abut an arterial or collector street One freestanding sign not to exceed 20 square feet in area
<b>Group Day Care</b>	A safe pickup and drop off area must be provided for the children 18.01
<b>Group Home</b>	Structure must be a single housekeeping unit Applicant must provide copy of state agency license 18.01

## 6.02 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

1. Each manufactured home park shall be at least five (5) acres.
2. The licensed manufactured home park shall be surrounded by a landscaped area 25 feet wide along all public streets and all manufactured home park boundaries.
3. The entrance to the manufactured home park shall be allowed one freestanding sign as allowed for specified uses in 11.06.

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
<b>Residential Uses</b>	5500 sq ft	50 feet	25 feet	7 feet **	25 feet	35 feet
<b>Corner Lots</b>	6000 sq ft	60 feet	25 feet *	7 feet **	15 feet	35 feet
<b>All Other Uses</b>	6000 sq ft	60 feet	25 feet	15 feet	15 feet	35 feet

\* One required front yard may be reduced to 20 feet.

\*\* The side yard will be required to be increased to 10 feet when the building is 3 stories in height or more.

**Exception**

#1 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 7

## **CB: 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.

### **7.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Retail trade or service</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Office</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Personal service</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Hotel/motel</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Gasoline dispensing station</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Public utility facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Accessory Use (i.e. garage &amp; shed)</b>	11.03, 12.02 ( <i>see also definition</i> )
<b>Fences</b>	11.08
<b>Commercial parking lots/parking ramps</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11
<b>Wireless Communication Facility on existing support structure</b>	See 11.09
<b>Motor vehicle service station</b>	Gasoline pumps and gasoline pump islands shall be located more than 15 feet from the nearest property line 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Rooming /boarding house</b>	Subject to the residence being constructed above the first floor 11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11
<b>Mortuary</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Arcade</b>	Subject to not being located within 500 feet of an adult use 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Private Club</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Churches</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Conditional Uses</b>	
<b>Dwellings</b>	Being above the first floor 11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Adult Uses</b>	11.01, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Electrical Substation</b>	An opaque screen, six feet in height, located at setback lines 11.02, 11.11, 18.01
<b>Day care center</b>	Adequate and safe playground area with a fence four (4) feet high (see 11.08) 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Motor vehicle repair shop</b>	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days. 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Off/On-sale alcoholic beverage establishment</b>	Located at least 1000 feet from a school or church * 11.01, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Telecommunications Tower</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.09, 11.11, 18.01

\* measured from the closest point of the outside walls of both structures

## **7.02 Lot and Yard Regulations**

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

- (A) The average front and rear yard setback existing on each street shall apply.
- (B) There are no side yard, lot area, or maximum height restrictions (except in an airport approach zone).
- (C) See also Adjustment to Yard Regulations (Chapter 12) for specific exceptions.

# 8

## **GB: 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.

### **8.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Retail trade or service</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Office</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Personal service</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Hotel/motel</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Motor vehicle service station/gas dispensing station</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Printing Plant</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Greenhouse/Nursery</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Drive-in theater</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Commercial parking lots/parking ramps</b>	see 11.02, 11.04, 11.06, 11.06A, 11.06B, 11.10, 11.12
<b>Car wash</b>	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Farm store, feed store</b>	Subject to only accessory storage of fertilizer or farm chemicals on the site 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Hospital/Clinic</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Motor vehicle sales, display, and service</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Commercial Recreation Facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Wireless Communication Facility on existing support structure</b>	11.09, 11.02, 11.04, 11.11
<b>Accessory Use (i.e. garage, shed)</b>	11.03, 12.02 <i>(see definition)</i>
<b>Arcade</b>	Located at least 500 feet of an adult use * 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Public utility facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Mortuary</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Private Club</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15
<b>Conditional Uses</b>	
<b>Churches</b>	All parking lots being 8 feet from all residential properties 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Adult Uses</b>	11.01, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Electrical Substation</b>	An opaque screen, six feet in height, located at setback lines 11.02, 11.11, 18.01
<b>On/Off-sale alcoholic beverage establishment</b>	Located at least 1000 feet of a school or church* 11.01, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Telecommunications Tower</b>	11.09, 11.02, 11.04, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Day care center</b>	Adequate and safe playground area with fence four feet high 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01

Permitted Use	Applicable Standards
<b>Conditional Uses, Cont.</b>	
<b>Motor vehicle repair shop</b>	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days. 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Off-premise signs</b>	11.02, 11.07, 18.01
<b>Veterinarian</b>	No outdoor kenneling of dogs within 1,000 feet of a residential area * 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Bus passenger terminal</b>	300 feet from residential neighborhood to minimize effects of diesel fumes and noise * 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Lumberyard</b>	Subject to screening of all parts and accessories from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Farm implement sales, display, and service</b>	Subject to the screening of all outdoor storage from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Bus/truck terminal</b>	Subject to 300 feet from residential neighborhood to minimize effects of diesel fumes and noise * 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01
<b>Broadcast tower</b>	Subject to being located at least 300 feet from a residential district * 11.02, 11.09, 11.11, 18.01

Permitted Use	Applicable Standards
<b>Conditional Uses, Cont.</b>	
<b>Campground</b>	<p>Lot must contain at least 2,000 square feet and supplied with city water and sanitary sewer services; access road on the campground site shall be paved or surfaced in a similar manner to the adjacent public roads, shall be approved by the City, and shall be 14 feet for one way and 20 feet for two way roads</p> <p>No person or vehicle may remain on a campground for more than 30 days in any one calendar year</p> <p>11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01</p>
<b>Kennel</b>	<p>Located 1,000 feet from residential district area *</p> <p>11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 11.15, 18.01</p>

\* measured from the closest point of the outside walls of both structures

## 8.02 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 12.04)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
<b>All Uses</b>	NA	0 to 50 feet	15 feet see #3	5 feet see #1, 3	5 feet see #2	45 feet
<b>All Uses</b>	NA	51 to 100 feet	20 feet see #3	5 feet see #1, 3	5 feet see #2	45 feet
<b>All Uses</b>	NA	101 or more feet	25 feet see #3	5 feet see #1, 3	5 feet see #2	45 feet

## **Exceptions**

#1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.

#2 A rear yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.

#3 There shall be a required front yard on each street side of a corner lot and double frontage lot.

#4 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 9

## **LI: LIGHT INDUSTRIAL DISTRICT**

This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park-like setting.

### **9.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Wholesale trade</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Light manufacturing</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Contractor's shop/storage yard</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Office</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Public utility facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Frozen food locker</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Wireless Communication Facility on existing support structure</b>	See 11.09, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Printing Plant</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Motor vehicle service station</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Farm implement sales, display, and service</b>	Screening of all outdoor storage from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Electrical substation</b>	Opaque screen, six feet in height, located as far back as all setback lines 11.02, 11.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Bus/truck terminal</b>	300 feet from residential neighborhood to minimize effects of diesel fumes and noise 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Warehouse, mini-warehouse</b>	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Lumberyard</b>	All storage areas shall be at least 300 feet of any street shown on the major street plan 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Retail trade or service</b>	Only when it is an accessory use when in conjunction with the primary use of wholesaling or manufacturing 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Truck or bus wash</b>	All water from the truck or bus wash being contained on the site 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Conditional Uses</b>	
<b>Truck repair, sales, and service</b>	Subject to no unscreened outdoor storage of parts 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Recycling collection or processing facility</b>	Screening of all recyclable material from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Farm store or feed store</b>	Only accessory storage of fertilizer or farm chemicals on the site 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Automobile storage yard</b>	Screening of the storage yard with fence, berm vegetation or placement on the lot 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Broadcast tower</b>	Located at least 300 feet from a residential district 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Telecommunications Tower</b>	See 11.09, 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Off-premise sign</b>	11.02, 11.07, 18.01

Permitted Use	Applicable Standards
Conditional Uses, Cont.	
Motor vehicle repair shop	An adequate number of parking spots to store the cars and screen parts and materials from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
Municipally owned waste water treatment facility	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01

## 9.02 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	NA	75 feet	25 feet see #4	10 feet see #2, 4	20 feet see #3	45 feet see #1

### Exceptions

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet. (See 18.01)
- #2 A sideyard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a corner lot and double frontage lot.
- #5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.
- #6 Waste water treatment facilities are exempt from minimum yard or set back requirements.

# 10

## **HI: HEAVY INDUSTRIAL DISTRICT**

This district is intended to provide for general industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, or commercial establishment. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

### **10.01 Permitted Uses**

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Wholesale trade</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>General manufacturing other than those listed below</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Farm store or feed store</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Contractor's shop/storage yard</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Bus/truck terminal</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Public utility facility</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Electrical substation</b>	An opaque screen, six feet in height, must be located as far back as all setback lines 11.02, 11.11
<b>Motor vehicle repair shop</b>	An adequate number of parking spots to store the cars and screen parts and materials from view 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Fruit and vegetable canning and processing</b>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Retailing</b>	Being an accessory use when in conjunction with a primary use of wholesaling or manufacturing 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Refining</b>	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>A warehouse or mini-warehouse</b>	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Bus and truck wash</b>	All water from the truck or bus wash being contained on the site 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Airport</b>	Traffic to and from the airport will not travel on residential streets and the location will not be within ½ mile of a residential district 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Truck repair, sales, and service</b>	No unscreened outdoor storage of parts 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Wireless Communication Facility on existing support structure</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.09, 11.11
<b>Frozen food locker</b>	11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11
<b>Conditional Uses</b>	
<b>Telecommunications Tower</b>	11.02, 11.04, 11.06, 11.06A, 11.06B, 11.09, 11.11, 18.01
<b>Off-premise signs</b>	11.02, 11.07, 18.01
<b>Recycling collection facility</b>	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01

Permitted Use	Applicable Standards
<b>Conditional Uses, Cont.</b>	
<b>Manufacture of: acid, alcohol, ammonia, asphalt, bleach, cement, chlorine, dyestuffs, explosives, fertilizer, glue, gypsum, lime, oils, paint, plaster or paris, shellac, sizing, turpentine or yeast</b>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Stockyards/slaughtering of animals</b>	Subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Rendering</b>	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Distillation of products</b>	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Paper manufacturing Smelting Boilerworks</b>	Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Tank farm; petroleum products terminal</b>	Compliance with the city's fire and health code and traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Grain terminal; grain processing</b>	Traffic to a from the facility will not travel on residential streets and the odor will not impact residential neighborhoods 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Conditional Uses, Cont.</b>	
<b>Salvage yard</b>	Being sited off the main thoroughfares of the City, ½ mile from a residential district and be screened from view. The owner shall agree to control rodents as a condition of the permit 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Manufacture and storage of electric transformers</b>	Chemicals associated with the transformers will be contained in an acceptable manner 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Quarry</b>	Subject to the site being located at least 1,000 feet from commercial or residential properties 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Automobile storage yard</b>	Screening of the storage yard with fence, berm, vegetation or placement on the lot 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Recycling processing facility</b>	Any outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height and all processing operations must be fully enclosed 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Broadcast tower</b>	Being located at least 300 feet from a residential district 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01
<b>Solid waste transfer facility</b>	Screening of the storage area with fence, berm, vegetation or placement on the lot  Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area 11.02, 11.04, 11.05, 11.06, 11.06A, 11.06B, 11.11, 18.01

## **10.02 Lot and Yard Regulations**

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04)

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
<b>All Uses</b>		NA	25 feet see #4	10 feet see #2, 4	5 feet see #3	55 feet see #1

**Exceptions**

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 55 feet. (See 18.01)
- #2 A sideyard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rearyard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a corner lot and double frontage lot.
- #5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 11

## **ADDITIONAL USE REGULATIONS**

### **11.01 Adult Uses**

It is recognized that there are some uses which are recognized as having serious objectionable operational characteristics, and are not compatible with certain uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

- A. No adult use may be established, operated, or maintained within five hundred (500) feet of a residential district, a church, a school, or public park, as measured from the closest point of the property lines.
- B. No more than two adult uses or one adult use and one on-sale liquor establishment may be established, operated, or maintained within five hundred (500) feet of each other as measured from the closest point of the outside wall of the building or tenant space.

### **11.02 Visibility at Intersections and Driveways**

- A. Intersection safety zones: No monument style sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points 40 feet distant in each direction from the intersection of the curbs and a straight line connecting the first two lines. (See Figure 2)
- B. Driveway safety zones: No monument style sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten feet behind the curb line. (See Figure 2)

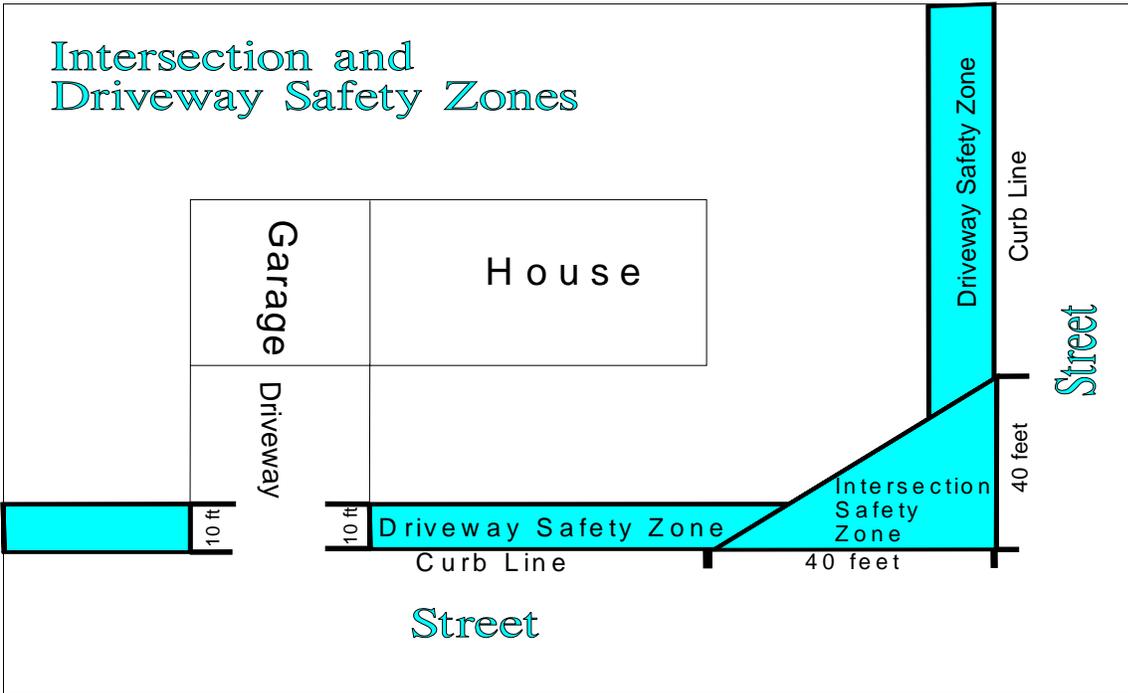


Figure 2

### 11.03 Accessory Use and Structures

Accessory uses and structures shall conform to the following standards:

- A. A private residential detached garage used only for the housing of noncommercial passenger automobiles. The use of corrugated sheet metal for exterior residential garage walls is prohibited. The height shall not exceed a one-story dwelling. No detached garage shall exceed 768 square feet in floor area.
- B. Accessory buildings must be anchored to a concrete slab, or other appropriate method as approved by the Authorized Official.
- C. Accessory buildings may not be used for dwelling purposes.
- D. Yard setbacks may be adjusted as according to 12.02 and 12.03.
- E. Accessory buildings must be at least ten (10) feet from all property lines. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten (10) feet from the primary dwelling unit.

- F. Accessory building sidewalls may not exceed one story in height, as defined in these regulations, and shall not exceed the height of a one-story dwelling.
- G. Accessory buildings shall not be located in front of the principal building, nor shall they be located in any side yard.
- H. A maximum of two (2) accessory buildings may be constructed on any one lot of record.
- I. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.
- J. Maximum floor area for all storage sheds shall be one hundred and twenty (120) square feet.
- K. Accessory building material shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

#### **11.04 Off-Street Parking**

##### A. General Conditions

1. No parking spaces are permitted in the required front or sideyard in any district except for portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this title. Parking spaces in backyards shall be prohibited in the R-1 and R-3 districts. Parking spaces in backyards shall be allowed only by conditional use in the R-2 district.
2. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards.
3. Each parking space shall be directly accessible to an access aisle.
4. Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle in a NRC, R-1, R-2, or R-3 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
5. All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

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

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

<b>USES &amp; STRUCTURES</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
<b>Single-family and two-family dwellings</b>	2 spaces for each dwelling unit
<b>Multiple-family dwellings</b>	One and one-half (1 ½ ) spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
<b>Rooming and boarding houses, sororities and fraternities</b>	One (1) parking space for each two hundred (200) square feet of floor area (one space per two beds).
<b>Bowling alleys</b>	Four (4) spaces per lane
<b>Church or Temple</b>	1 space for each 4 seats in main setting area
<b>Private club or lodge</b>	One (1) parking space for each three hundred (300) square feet of floor area
<b>High School</b>	Four (4) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Elementary School</b>	Two (2) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.

<b>USES &amp; STRUCTURES</b>	<b>MINIMUM REQUIREMENTS</b>	<b>PARKING</b>
<b>Eating and Drinking Places</b>	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three seats, whichever is greater.	
<b>Hospitals</b>	1 space for each bed.	
<b>Nursing, convalescent and rest homes</b>	1 space for each 3 beds.	
<b>Auditoriums, theaters and places of public assembly</b>	1 space for each 4 seats of design capacity.	
<b>Hotels and Motels</b>	One (1) space for each two (2) rental rooms.	
<b>Funeral homes</b>	One (1) space for each four (4) seats in the chapel.	
<b>Retail sales establishments</b>	One (1) space for each three hundred (300) square feet of floor area.	
<b>Medical and dental clinics</b>	One (1) space for each two (2) staff members and full-time employees, plus one (1) space for each six hundred (600) square feet of gross floor area.	
<b>Manufactured home parks</b>	Two (2) spaces for each manufactured home lot.	
<b>Industrial uses</b>	One (1) space for each two (2) employees on the maximum working shift.	
<b>Service establishments</b>	One (1) space for each three hundred (300) square feet of floor area.	
<b>Wholesale and distribution establishments</b>	One (1) space for each two (2) employees on the maximum working shift.	

All other uses not specified above shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

### ***11.05 Off-Street Loading Requirements***

There shall be provided at the time any building is erected or structurally altered, off-street loading spaces for the following uses.

Use	Gross square feet floor area	Number of Off-street loading spaces
Office Buildings	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space
Retail, Service and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space Two 14' x 35' spaces Add one 14' x 35' space

### 11.06 On-Premise Signs

Districts	Permitted Signs	Sign Area (Maximum)	Sign Height (Maximum)
NRC, R-1, R-2, R-3 for specified uses only*	Freestanding	50 square feet	6 feet above grade
R-1, R-2, R-3	Wall	1 square foot	On wall only
CB & GB	Wall, roof, and projecting	2 square feet per 1 foot of lineal street frontage with a maximum of 200 sq. ft.	Wall = on wall only roof and projecting = 5 feet above roof line
CB & GB	Freestanding	1 square foot per 1 foot of lineal street frontage with a maximum of 200 sq. ft.	GB = 30 feet above grade CB = 18 feet above grade
CB & GB	Banner – types allowed include decorative and informational which advertise special events, grand openings, and are NOT to be used for business identification; banners presently in use which do not comply with these zoning provisions shall be removed within sixty (60) days of the effective date of these zoning provisions**	100 square feet	N/A***

<b>LI &amp; HI</b>	Freestanding	1 square foot per 3 lineal feet of street frontage with a maximum of 100 sq. ft.	20 feet above grade
<b>LI &amp; HI</b>	Banner – types allowed include decorative and informational which advertise special events, grand openings, and are NOT to be used for business identification; banners presently in use which do not comply with these zoning provisions shall be removed within sixty (60) days of the effective date of these zoning provisions**	100 square feet	N/A***
<b>LI &amp; HI</b>	Wall, roof, and projecting	1 square foot per 3 lineal feet of street frontage with a maximum of 100 sq. ft.	Wall = on wall only Roof and projecting = 5 feet above roof line

\* Specified uses are listed within the district’s permitted uses applicable standard tables (sections 3.01, 4.01, 5.01, and 6.01)

\*\* Banners shall be maintained in a legible condition and tied securely on all corners or edges, and shall be in compliance with 11.02.

\*\*\* Banners shall be placed only on freestanding signs or building walls.

### 11.06A Prohibited Signs

The following signs are prohibited and shall be removed within the time periods specified.

1. Miscellaneous signs and posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

2. Painted wall signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within sixty (60) days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

3. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

4. Nuisance signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

### **11.06B Nonconforming and Abandoned Signs; Maintenance**

Any sign existing on the date of adoption of this ordinance which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows: (1) the sign has been removed, relocated or destroyed; (2) the sign has been brought into compliance with this chapter; (3) the sign is abandoned.

Abandoned signs shall be removed or brought into compliance within ninety (90) days of written notice from the Authorized Official.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Authorized Official shall be removed or brought into compliance immediately upon written notice. Prior to the Authorized Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the state of South Dakota stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

### **11.07 Off Premise Signs**

Off-premise signs are allowed in the GB, LI, and HI Districts subject to the following regulations:

- A. Off-premise signs will be allowed a maximum size of 288 square feet.
- B. Signs will be allowed a maximum height of 40 feet; and a minimum height of 12 feet.
- C. There will be a minimum setback for the sign face of 10 feet and a minimum setback for the sign structure of 22 feet.

### **11.08 Fences**

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No barbed wire fence shall be erected or maintained.
- B. 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.
- C. For R-1, R-2, R-3, or CB District - Fences not more than six (6) feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four (4) feet in height may be located on any part of the lot.
- D. For GB, LI, or HI District - Fences not more than eight (8) feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use.
- E. No fence shall be erected which violates *11.02 - Visibility at Intersections*.
- F. To preserve the neighborhood character of the Residential district, fences along the perimeter of a front yard shall be of a traditional design and shall not be more than 30 percent solid.
- G. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight (8) feet and for public tennis courts twelve (12) feet on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.

### ***11.09 Telecommunications Tower, Antenna Support Structures and Wireless Communications Facilities***

Regulations regarding development of telecommunications towers, antenna structures and wireless communications facilities are intended to encourage the development of a competitive wireless communications marketplace while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The regulations cover the placement, construction, and modification of telecommunications facilities.

- A. A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
- B. A minimum distance of ½ mile between telecommunications towers measured from the base of one telecommunications tower to the base of another except when an existing antenna support structure is used to co-locate a wireless communication facility.
- C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.

- D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized person to climb.

### **11.10 Site-Built Single-Family and Multi-Family Dwelling Standards**

- A. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Use of corrugated sheet metal for roofing shall not be permitted.
- B. The minimum width of the main body of the site-built dwelling shall not be less than 20 feet, as measured across the narrowest portion.
- C. A wood or masonry foundation shall form a complete enclosure under the exterior walls. A minimum of 7 square feet per site-built dwelling space of wind resistant structure area shall be provided and installed.
- D. The use of flat or corrugated sheet metal for the exterior walls is prohibited.
- E. 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, excepting manufactured homes placed in an approved R-3 district. The Authorized Official or his or her designee shall inspect and authorize all dwellings moved into the City of Tea. For the purposes of these regulations, manufactured housing shall be allowed only in the R-3 Manufactured Housing Residential District.

### **11.11 Landscaping Standards**

It is the desire of the City of Tea to encourage development which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

- A. Within any zoning district, at least 90 percent of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 12.04).
- B. Within GB, CB, LI, and HI districts, one tree per 50 feet of lot width is required. No more than 20 percent of the trees may be planted in the street right-of-way. No more than 25 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
- C. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

- D. The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod, seed, or other living ground cover. Only deciduous shade trees may be planted in the street right-of-way.
- E. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4 inch caliper. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.
- F. Screening: A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six foot screening if they have a maximum grade of three feet horizontal to one-foot vertical and sodded or planted with other acceptable living ground cover.
- G. Parking Lot Buffer Areas: A setback of at least five (5) feet shall be provided between a parking lot and residentially zoned property.

Exception: If proper screening is provided, the setback may be two (2) feet.

- H. Lighting Standards: When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:
  1. The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).
  2. The maximum height of light luminaries shall be 25 feet above the ground.
  3. Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
  4. The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Luminaries Lamp wattage}} = \text{Maximum No. of}$$

All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

### **11.12 Home Occupations**

Home occupations are those secondary uses allowed on a premises in conjunction with the following:

- A. The occupation must be conducted within a dwelling unit.
- B. The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
- C. Only members of the immediate family residing on the premises may be employed by or participate in the home occupation.
- D. The entrance to the space devoted to such occupation must be from within the building.
- E. There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a dwelling. There is used no sign which is attached to the building other than a nameplate. The sign shall not be illuminated or more than one square foot in area.
- F. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling.
- G. No merchandise, including samples, can be sold on the premises.
- H. The business will generate no more than four (4) visits per day from clients or customers.
- I. Materials that are combustibile, toxic or consist of any animal or vegetable matter cannot be stored on the premises.
- J. Any process which will cause odor, dust, glare, noise, heat or vibration which would have a negative effect on adjacent properties would not be allowed.

### **11.13 Manufactured Home Requirements**

- A. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Metallic roofing surfaces shall not be permitted.
- B. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.

- C. A wood or masonry foundation shall form a complete enclosure under the exterior walls. A minimum of seven (7) square feet per manufactured home space of wind resistant structure area shall be provided and installed according to Article 11-80 of Chapter 11 Building Guidelines for Manufactured Housing Installation.
- D. The use of corrugated sheet metal for the exterior walls is prohibited.
- E. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.
- F. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than 4 feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than 12 feet apart along the perimeter of the structure. Such tie downs shall extend down no less than 4 feet below grade.

### **11.14 Bed and Breakfast Establishments**

- A. Bed and Breakfast's shall be limited to a residential structure.
- B. They shall be in compliance with applicable state laws including South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room. Such uses shall be an incidental use with an owner-occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
- C. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.
- D. The length of stay shall not exceed 14 days during any 120 day consecutive period.
- E. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

### **11.15 Commercial Overlay Review Requirements**

- A. Intent

With quality growth and aesthetically pleasing development being priorities in promoting the economic development of the City of Tea, the Planning Commission and City Council have deemed it necessary to ensure thorough review of all proposed commercial development located within the City. Therefore, it is the explicit intent of the City to follow these policies:

- Discourage development which will require an excessive amount of curb cuts along arterial and collector roads as identified on the Major Street Plan.
- Encourage developers to plat lots in such a way that access can be shared or so access can be placed on the side street.
- Encourage business development with consideration toward existing and projected traffic, traffic improvements, accessibility and compatibility with surrounding land uses.
- Protect adjacent residential uses and the general quality of life of the residents wishing to continue to use their property in residential use.
- Encourage creative planning and design in the arrangement of buildings, circulation, access, shared ingress/egress arrangements, elimination of curb cuts, setbacks and buffers.

B. Location and Boundary Area

This section, 11.15 Commercial Overlay Review Requirements, shall be applicable within the CB: Central Business and GB: General Business use districts.

C. Development Area

The site area, lot width, setbacks and building height shall be no less than the minimum requirements of the underlying zoning district (either CB or GB).

D. Standards

All uses within the CB and GB districts, whether permitted or conditional uses, shall be held to set standards as prescribed by this section. Said standards include the following:

- All development shall utilize high quality architecture to ensure the buildings are compatible with the established and intended character in the City, and to maintain harmony with the CB and GB districts.
- All development shall be in scale with the surrounding area.
- All sides of buildings visible to a public street or residential area shall be constructed to a finished quality comparable to the front facade.
- Materials (exterior, roofing, etc.) used in the construction of development within the CB and GB districts shall be of substantial quality to ensure the longevity and aesthetic value of the commercial districts.

# 12

## **ADJUSTMENTS TO YARD REGULATIONS**

### **12.01 Location of Some Accessory Buildings**

Accessory structures located ten (10) feet or more from the main building and set back sixty (60) feet from all front property lines may be erected within three (3) feet of the side and rear property lines. In all cases, accessory structures shall not occupy more than 30 percent of the rear yard. A garage which is entered directly from the alley shall not be closer than 20 feet to the alley line.

### **12.02 Adjustment to Front Yard Requirements**

A front yard may be adjusted to an average of the adjacent structures front yards where existing adjacent structures have a front yard less than required.

### **12.03 Adjustment to Side Yard Requirements**

Buildings constructed prior to the effective date of this Ordinance with side yard setbacks of less than required by this Ordinance, may have additions erected in line with the existing building and provided further that said addition will be erected no closer to the lot line than the existing building.

### **12.04 Projection From Buildings**

Every part of any required yard shall be open to the sky and unobstructed except:

- A. Eaves may project into a front, side, or rear yard;
- B. Ordinary projection of sills, belt courses, cornices, vertical solar screen, ornamental features which may project twelve (12) inches;
- C. Air conditioner may project 3 feet from the building;
- D. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet while balconies and paved terraces may project six (6) feet into a required front yard; and
- E. Terraces, uncovered porches, platforms, decks, and ornamental features which do not extend above the level ground (first) floor may project into a required yard, provided these projections be distances at least two feet from the adjacent side or rear lot line.

# 13

## **NON-CONFORMING USES**

### **13.01 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. 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.
- B. 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.
- C. When a nonconforming use or structure has been discontinued for a period of at least one year, any subsequent use shall be in conformance with the provisions of these regulations.
- D. 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.
- E. 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.

# 14

## **ADMINISTRATION AND ENFORCEMENT**

### **14.01 Powers and Duties**

The Authorized Official is hereby authorized and directed to enforce all the provisions of the Zoning Ordinance and establish rules for its administration. For such purposes he or she shall have the powers of a law enforcement officer. The Authorized Official shall have the power to render interpretations of this ordinance. Such interpretations shall be within the intent and purpose of the Zoning Ordinance, and be set forth in writing. In addition, the Authorized Official may appoint or solicit technical advice, inspectors, city officials and other city employees to assist with the administration of the Zoning Ordinance. The Authorized Official shall be a City employee, with work week, hours of work and salary to be determined by the City Council or another person approved by the City Council. With approval of the City Council, the Mayor shall appoint the Authorized Official.

### **14.02 Right of Entry**

Whenever necessary to make an inspection to enforce any of the provisions of this title, the Authorized Official and authorized representatives may enter such building or premises at all reasonable times to inspect. Provided such building or premises is occupied, the Authorized Official or authorized representative shall first present proper credentials and request entry. If such building or premises is unoccupied, the Authorized Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Authorized Official or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Authorized Official or authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect to promptly permit entry.

### **14.03 Stop Order**

Whenever any work or use is being done contrary to the provisions of this title, the Authorized Official may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work or use until authorized by the Authorized Official to proceed with the work or use.

# 15

## **BUILDING PERMITS, FEES, AND CERTIFICATES OF OCCUPANCY**

### **15.01 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 Authorized Official of the City of Tea.

- A. An Application for Building Permit, available from the Authorized Official of the City of Tea, shall be completed by the landowner requesting the Building Permit. Completed applications shall be returned to the Authorized Official of the City of Tea 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 Authorized Official of the City of Tea, 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 Authorized Official of the City of Tea for a period not exceeding 6 months during alterations or partial occupancy of a building pending its completion. The Authorized official of the City of Tea may attach conditions and safeguards to said temporary permit to protect the safety of the occupants and the public.
- C. One copy of the plans shall be returned to the applicant, after the Authorized Official of the City of Tea 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 Authorized Official of the City of Tea for City records.

D. If the Authorized Official of the City of Tea 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 Authorized Official of the City of Tea shall inform the applicant when one of the following processes may be applicable:

1. Variance
2. Amendment
3. Conditional Use Permit

Issuance of a Building Permit shall indicate that, in the opinion of the Authorized Official of the City of Tea, 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.

## **15.02 Fees**

A schedule of fees, charges, and expenses for permits, change of zone, appeals, and other matters pertaining to this Zoning Ordinance shall be established by resolution of the City Council. The current fee schedule shall be available from the Authorized Official of the City of Tea. All fees shall be the property of the City and shall be paid over to the Authorized Official of the City of Tea for credit to the General Fund of the City. Building permit fees may be refunded less a fifty dollar (\$50.00) administrative fee, to the applicant if the activities described in the permit have not begun and no more than ninety (90) days has expired from the date of issuance. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **15.03 Expiration of a Building Permit**

If the activities described in any permit have not begun within (90) days from the date of issuance, the permit shall be canceled by the Authorized Official and written notice given to the persons affected. If the activities described in any permit have not been completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the Authorized Official 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 permit has been obtained. The Authorized Official may grant a ninety day (90) day extension if deemed necessary for an activity stated in permit.

## **15.04 Certificate of Occupancy**

No building, structure or land shall be used or occupied, and no change in the existing use of a building, structure or land shall be made until a final inspection has been completed. If it is

found that the building, structure or land complies with the provisions of this Zoning Ordinance, a certificate of occupancy shall be issued.

A record of all certificates of occupancy shall be kept on file in the office of the Finance Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or buildings affected by such certificate of occupancy.

# 16

## **BOARD OF ADJUSTMENT**

### **16.01 Establishment**

A Board of Adjustment is hereby established for the City of Tea pursuant to SDCL 11-4-24. The Board of Adjustment shall consist of all members of the Tea City Council.

### **16.02 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 Authorized Official of the City of Tea in the enforcement of this ordinance.
- B. To hear and decide appeals to decisions made by the Authorized Official of the City of Tea regarding Building Permits.
- C. To hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.
- D. To hear and decide only such conditional use permits 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 use permits should be granted; and to grant conditional uses permits with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional use permits when not in harmony with the purpose and intent of this ordinance and the City's comprehensive plan.

### **16.03 Appeal Procedure**

- A. Any person or persons, jointly or severally, aggrieved by any decision of the Authorized Official, may present to that Official a notice of appeal, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality.

The notice of appeal shall be filed with the Authorized Official of the City of Tea, who shall transmit to the Board of Adjustment all information and records concerning the appeal. Such notice of appeal shall be presented to the Authorized Official within thirty days after the filing of the decision in the office of the Authorized Official.

- B. The Board of Adjustment shall keep a public record of all findings and decisions. All 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. A sign shall be posted in a conspicuous place on the property (if applicable) and the Authorized Official of the City of Tea shall publish notice of the public hearing in a legal newspaper of the city no less than ten (10) days before the public hearing.
- C. The public hearing shall be held. The appellant 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. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. 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.

## **16.04 Variances**

The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

- A. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this Chapter, an unnecessary hardship is a situation where, in the absence of a variance an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.
- 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 variance requested is the minimum variance that will alleviate the hardship;
- D. 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;

- E. 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;
- F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making; and
- G. 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.

## **16.05 Court Review**

Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty (30) days after the filing of the Board's decision as provided by SDCL 11-4-25.

# 17

## AMENDMENTS AND CHANGE OF ZONE

### 17.01 Procedure

Zoning amendments and change of zones are changes to the City of Tea'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 an amendment shall be followed:

- A. The Authorized Official of the City of Tea 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 Authorized Official of the City of Tea shall set the date, time and place for a Planning Commission public hearing. The Authorized Official of the City of Tea shall publish notice of the public hearing in a newspaper of general circulation in the area affected for a proposed amendment and change of zone. Such notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. At least two signs shall be posted on the property for a continuous period of seven (7) days immediately prior to any public hearing held by the Planning Commission or City Council to consider any rezoning application.
- 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 Authorized Official of the City of Tea shall set the date, time and place for a City Council public hearing. The Authorized Official of the City of Tea shall 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 10 days prior to the 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 days after publication, unless the referendum shall have been invoked.

# 18

## CONDITIONAL USE PERMITS

### 18.01 Conditional Uses

Any conditional use approved by the Board of Adjustment shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Board of Adjustment may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

#### A. Procedure

The Board of Adjustment may authorize by Conditional Use Permit those uses specifically designated as Conditional Uses in Chapters 3 through 10. The Board of Adjustment shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such Conditional Use Permit.

#### B. Application

To obtain a Conditional Use Permit, the applicant shall file an application, therefore, in writing on a form furnished by the Authorized Official or Finance Officer. Every application shall contain the following information:

1. Legal description of the land on which such Conditional Use is requested, together with local street address.
2. Name and address of each owner of the property.
3. Name, address, phone number and signature of the applicant.
4. Zoning district classification under which the property is regulated at the time of such application.

5. Be accompanied with a site plan, unless waived by the Authorized Official.
6. Any other information concerning the property as may be requested by the Authorized Official or the Board of Adjustment.

### **C. Fees**

Upon the filing of any application for a Conditional Use Permit with the Authorized Official, the applicant shall pay to the City the appropriate fee as designated by these zoning regulations.

### **D. Information on Site Plan**

In addition to the following information, plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws, ordinances, rules and regulations. The Authorized Official may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

1. The address of the property and the legal description.
2. The name of the project and/or business.
3. The scale and north arrow.
4. All existing and proposed buildings or additions.
5. Dimensions of all buildings.
6. Distance from all building lines to the property lines at the closest points.
7. Building height and number of stories.
8. Dimensions of all property lines.
9. Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.
10. Screening; show height, location, and type of material to be used.
11. The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
12. Name and location of all adjacent streets, alleys, waterways and other public places.

Approved plans shall not be changed, modified, or altered without authorization from the Board of Adjustment giving final approval, and all work shall be done in accordance with the approved plans.

## **E. Review and Public Hearing Procedure**

Prior to the approval of a Conditional Use Permit, the Authorized Official shall meet with the applicant to review the application. After review of the application, the Authorized Official shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

The Authorized Official shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Authorized Official 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 seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Authorized Official shall publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Conditional Use Permit.

The following procedure shall be followed by the Board of Adjustment in considering the recommendation of the Authorized Official:

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;
- (i) The goals and objectives of the most recently adopted Comprehensive Plan.

A Conditional Use Permit shall automatically expire if the primary use for which it was granted has ceased for a period of one year or more; or, the primary use proposed under the Conditional Use Permit has not been undertaken and completed according to the terms and conditions of the Conditional Use Permit within one year of the approval of the Conditional Use Permit.

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 and the City's most recently adopted Comprehensive Plan.

# 19

## **DEFINITIONS**

### **19.01 Purpose**

In the application of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the past and future.
- B. Words used in the singular number shall include the plural number and the plural, the singular.
- C. The word “shall” is mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The words “used” or “occupied” shall include the words “intended,” “designed,” or “arranged to be used or occupied.”
- F. The word “lot” shall include the words “plot,” “parcel,” or “tract.”
- G. The word “person” shall include a “firm,” “association,” “organization,” “partnership,” “trust,” “company,” or “corporation” as well as an “individual.”
- H. The word “building” shall include the words “structure” and “premises.”
- I. Any word not herein defined shall be as defined in any recognized standard English dictionary.

### **19.02 Definitions**

**ABUTTING** - Abutting shall mean adjacent or contiguous and shall include property separated by an alley. The term “abutting” implies a closer proximity than the term “adjacent.”

**ACCESSORY BUILDING OR USE** - An accessory building or use is one which:

1. Is customary and clearly incidental to the principal use;
2. Serves exclusively the principal use;

3. Is subordinate in area, extent or purpose to the principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
5. Is located on the same zoning lot as the principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

**ACTIVITY** - Any application for a permit under this ordinance or any development or use encompassed within the jurisdiction of this Ordinance.

**ADULT AMUSEMENT OR ENTERTAINMENT ESTABLISHMENT** - Any use which has as part of its operations amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

**ADULT BOOKSTORES** - An establishment having as a substantial or significant portion of its stock and trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below, or an establishment with a segment or section devoted to the sale or display of such materials.

**ADULT MINI-MOTION PICTURE THEATER** - An enclosed building with a capacity for less than fifty (50) persons used for presenting material for observation by patrons and which excludes minors by virtue of age.

**ADULT MOTION PICTURE THEATER** - An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as herein defined, for observation by patrons therein.

**ADULT PHOTO STUDIO** - An establishment which, on payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas.”

**ADULT USE** - The term “adult use” shall include adult amusement or entertainment establishment, adult bookstores, adult mini motion picture theaters, adult motion pictures theaters, and adult photo studios.

**AGRICULTURE** - The production, keeping, or maintenance, for sale, lease or personal use, of plants and land useful to man, including but not limited to: forages sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AIRPORT** - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including Heliports.

**ALLEY** - An alley is a public right-of-way which affords only a secondary means of access to abutting property.

**ANTENNA** - Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

**AQUIFER** - A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.

**ARCADE** - A building or structure, open to the public, which contains coin operated games and similar entertainment and amusement devices, as the primary use or with five (5) or more games as an accessory use.

**ASSISTED-LIVING CENTER AND CONGREGATE CARE FACILITY** - A licensed health care facility to provide 24-hour supervision of the frail elderly that provide rooms, meals, personal care, and supervision of self-administrated medication. They may also provide services, such as recreational activities, financial services, and transportation.

**AUTOMOBILE STORAGE YARD** - The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.

**AWNING/CANOPY** - A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**BANNER** - A temporary sign composed of cloth, canvas, fabric or other lightweight material secured or mounted so as to allow movement of the sign caused by movement of the atmosphere and intended to advertise special events or grand openings, and not intended to be used for business identification or as permanent advertising.

**BED AND BREAKFAST ESTABLISHMENT** - A private single-family residence which is used to provide limited meals and temporary accommodations for a charge to the public.

**BOARD OF ADJUSTMENT** - Public and quasi judicial agency charged with duty to hear and determine zoning appeals.

**BOARDINGHOUSE** - A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.

**BROADCAST TOWER** - Shall mean a structure, not including offices or studio, for the transmission of radio or television broadcast communications.

**BUILDABLE AREA** - The three-dimensional space within which a building is permitted to be built on a lot and which is defined by maximum height regulations and yard setback regulations.

**BUILDING** - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground or attached to the ground with a fixed location on the ground.

**BUILDING, DETACHED** - A building surrounded by open space on the same lot.

**BUILDING, HEIGHT** - The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement shall be taken from the average elevation of the finished grade within ten feet of the structure.

**BUILDING LINE** - A line parallel to the curb line touching that part of a building or parking lot closest to the street.

**BUILDING PERMIT** - A document signed by the Authorized Official of the City of Tea as a condition precedent to the commencement of a use or the erection, construction, re-construction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use, or building complies with the provisions of the municipal zoning ordinance or an authorized variance therefrom.

**BUILDING, RESIDENTIAL** - A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings;
2. Single-family attached dwellings;
3. Multiple-family dwellings (including apartment hotels);
4. Lodging houses; and
5. Fraternity and sorority houses.

**BUS PASSENGER TERMINAL** - A place where the transfer of people between modes of transportation takes place.

**BUS/TRUCK TERMINAL** - An area and building where buses, trucks, and cargo is stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

**BUS/TRUCK WASH** - Any building or portions thereof used for washing buses and/or trucks.

**CAMPGROUND, TRAVEL TRAILER PARKING AREA** - Shall mean a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units can be located and occupied as temporary living quarters.

**CAR WASH** - Any building or portions thereof used for washing automobiles.

**CERTIFICATE OF OCCUPANCY** - A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CHANGE OF USE** - Substitution of one thing for another specifically regarding use of land or use of a building.

**CHURCH** - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CITY** - Means City of Tea, South Dakota.

**CITY COUNCIL** - Means Board of City Council Members, Tea, South Dakota.

**CLINIC** - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, optometrists, social workers, etc., and where patients are not usually lodged overnight.

**CLUB** - Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**COMMERCIAL PARKING LOT/FACILITY** - An approved open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored for a fee.

**COMMISSION** - Means City Planning Commission of Tea, South Dakota.

**COMPREHENSIVE PLAN** - The adopted long-range plan intended to guide the growth and development of the community and region, including analysis, recommendations and proposals of the community's population, economy, housing, transportation, community facilities, and land use.

**CONDITIONAL USE PERMIT** – A permit issued by the Board of Adjustment stating that a Conditional Use complies with the conditions and standards set forth in this Ordinance.

**CONTRACTOR'S SHOP AND STORAGE YARD** - Use of land or buildings for storage and preparation of materials used by that same individuals in conducting the business of construction and repair work, generally completed at some other on-site location.

**CONTAMINANT** - Any "regulated substance," as defined by SDCL 34A-12-1(8), as in effect on the date of passage of this ordinance and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

**CONVENT AND MONASTERY** - A place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.

**CURB LINE** - The outside lines of the pavement or roadway.

**DAY CARE** - The providing of care and supervision of a child or children/adults as a supplement to regular parental/home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

**DAY CARE, CENTER** - Is normally in a facility used only for providing day care, nursery, or pre-kindergarten services, and is limited in number over twelve (12) by the square footage of usable space available. The ratio is presently thirty-five (35) square feet per child indoors and fifty (50) square feet per person outdoors.

**DAY CARE, FAMILY** - Care is done in a family home, and the number of persons cared for is limited to a maximum of six (6) adults or six (6) children under fourteen. Included in that count are the providers' own children six (6) years and under. See (Home Occupation).

**DAY CARE, GROUP** - Is normally in a family home. The number of persons cared for is seven (7) to twelve (12) adults or children under the age of fourteen including the provider's own children six (6) years and under.

**DENSITY** - The number of families, individuals, dwelling units, or housing structures per unit of land.

**DEVELOPMENT** - The carrying out of any construction, reconstruction, alteration of surface, structure, change or land use or intensity of use, and including but not limited to the deposit of refuse, solid or liquid waste, any mining or drilling operation, or work relating to the creation of a road, street, or parking area.

**DISTILLATION OF PRODUCTS** - A building or premises used for the purification and concentration of a substance by volatilization or evaporation and subsequent condensation.

**DISTRICT** - A part, zone, or geographic area of the City of Tea within which certain zoning or development regulations apply.

**DRIVE-UP SERVICE WINDOW/DEVICE** - An establishment which accommodates the patron's motor vehicles, from which the occupants may obtain or receive a service or obtain a product through a service window or automated device.

**DWELLING** - A building, or portion, thereof, used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

**DWELLING, ATTACHED** - A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**DWELLING, MULTIPLE-FAMILY** - A building, or portion thereof, containing three (3) or more dwelling units.

**DWELLING, SINGLE FAMILY DETACHED** - A dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

**DWELLING, SINGLE FAMILY FARM** - Single family dwelling located on a farm which is used or intended for use by the farm's owner or relative of the owner or a person employed thereon.

**DWELLING, TOWNHOUSE** - One of a group or row of two or more single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this title. For the purpose of side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

**DWELLING, TWINHOME** - A single-family dwelling unit constructed as a two-unit structure with each unit located on a separate lot and separated by a vertical lot line fire wall.

**DWELLING UNIT** - One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**ELECTRICAL SUBSTATION** - A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

**EXISTING ANTENNA SUPPORT STRUCTURE** - Any existing structure that supports wireless communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles.

**FAMILY** - One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three adults who are unrelated by blood or law. In addition to the persons actually related by blood or law, the following persons shall be considered related by blood or law for the purposes of this title:

- (1) A person residing with the family for the purpose of adoption;
- (2) Not more than six persons under eighteen years of age, residing in a foster home licensed or approved by a governmental agency;
- (3) Not more than four persons eighteen years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency;
- (4) Any persons living with the family at the direction of a court; and
- (5) Twenty four hour supervised living of persons with physical or mental disabilities, but not including group homes for drug and alcohol rehabilitation or halfway houses for persons adjudicated by a court. Such residential facilities shall be licensed by the State of South Dakota and proof of such licensing shall be required prior to zoning certificate approval.

**FARM** - A parcel of land used for agricultural purposes, with a minimum of 10 acres in size.

**FARM IMPLEMENT DEALER** - The use of any building or land area for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

**FARMSTEAD** - The area of a farm in which the out buildings sit and is normally protected by a grove(s) and not used for crops or grazing.

**FARM STORE/FEED STORE** - A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agri-chemicals.

**FENCE** - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FLOOR AREA** - The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.

**FREESTANDING SIGN (Ground Sign)** - A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.

**FRONTAGE** - That side of a lot abutting on a street; the front lot line.

**FRUIT/VEGETABLE CANNING AND PROCESSING** - A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

**GARAGE, PRIVATE** - An accessory building designed or used for the storage of not more than four motor vehicles, excluding all commercial vehicles, owned and used by the occupants of the building to which it is accessory.

**GARDEN CENTER** - Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors.

**GAS DISPENSING STATION** - Any building or premises which provides for the retail sale of gasoline or oil. No automobile repair work or sale of auto accessories, or testing may be done. Gasoline pumps and islands shall be located more than 12 feet from the nearest property line.

**GENERAL MANUFACTURING** - Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.

**GOLF COURSE** - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

**GRADE** - The average elevation of the land around a building.

**GRAIN TERMINAL** - A facility for the storage of agricultural grains.

**GREENHOUSE** - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUP HOME** - A supervised living or counseling arrangement in a family home context providing for the twenty-four (24) hour care of children or adults.

**GROUNDWATER** - Subsurface water that occurs in soils and geologic formations that are fully saturated.

**HAZARDOUS MATERIAL** - Any contaminant as defined in this ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022 as in effect on the date of publication of this ordinance.

**HOME OCCUPATION** - A home occupation is any occupation carried on by a member of the immediate family residing on the premises, in accordance with Section 11.12 of these zoning regulations.

**HOSPITAL** - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**HOTEL, MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT** - Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

**JUNKYARD** - Any lot, land, parcel or portion thereof, used for the storage, wrecking, dismantling, salvage, collection, processing, purchase, sale, or exchange of abandoned or discarded vehicles, goods, waste, and scrap materials, including but not limited to: two or more abandoned or inoperable motor vehicles, waste paper, rags, glass, tires, wood, lumber, appliances, machinery, or automotive and mechanical parts. A junkyard does not include operations entirely enclosed within buildings.

**KENNEL** - Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

**LANDSCAPED AREA/LIVING GROUND COVER** - An area that is permanently devoted and maintained in blue grass/ creeping red fescue, herbaceous perennials, trees, shrubbery, and flowers.

**LIGHT MANUFACTURING** - Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

**LOADING SPACE** - A space within the main building or on the same lot for the standing, loading, or unloading of trucks.

**LOT** - A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, which may include one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

**LOT AREA** - The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER** - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT, DOUBLE FRONTAGE - A lot which abuts a street on two opposite sides (not a corner lot).

LOT, FRONTAGE - The length of the front lot line measured at the street right-of-way line.

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

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The lot line separating a lot from a street right-of-way.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three (3) feet to any lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT OF RECORD - A lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the effective date of this ordinance.

MANUFACTURE OF: ACID, ALCOHOL, AMMONIA, ASPHALT, BLEACH, CEMENT, CHLORINE, DYESTUFFS, EXPLOSIVES, FERTILIZER, GLUE, GYPSUM, LIME, OILS, PLASTER OF PARIS, SHELLAC, SIZING, TURPENTINE OR YEAST, ETC. – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MANUFACTURED HOME: A dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required.

**MANUFACTURED HOME PARK, LICENSED:** A contiguous parcel of land operated as a unit, under the same ownership where six or more lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the City of Tea.

**MORTUARY** - A place for the storage of human bodies prior to their burial or cremation.

**MOTEL** - A motel is an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, and secretarial or desk service, and the use and upkeep of furniture.

In a motel, less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists. See (Hotel/Motel).

**MOTOR VEHICLE** - Any vehicle which is designed to travel along the ground or in the water and shall include but not be limited to automobiles, vans, buses, motorbikes, trucks, trailers, go carts, golf carts, boats, ATVs, snowmobiles, and campers.

**MOTOR VEHICLE REPAIR** - Any building or premises involving the repair and/or painting of motor vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

**MOTOR VEHICLE, COMMERCIAL** - Any vehicle which has more than 16 square feet of signage or which is adapted, designed, equipped, and used to perform a specific commercial function and which does not meet the definition of Motor Vehicle, Personal/Passenger as defined herein.

**MOTOR VEHICLE, INOPERABLE** - A motor vehicle which is not in operating condition due to damage, removal, or inoperability of one or more tires and/or wheels, engine, or other essential parts, or which is not in operating condition due to damage or removal of equipment as required by the State of South Dakota for its lawful operation, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.

**MOTOR VEHICLE, PERSONAL/PASSENGER** - Any car, pickup-truck, or van which has no more than 16 square feet of signage and which is designed and facilitates personal/passenger travel and has not been externally altered with features not customary to personal usage.

**MOTOR VEHICLE, RECREATIONAL** - Any vehicle which is adapted, designed, and equipped to facilitate leisure time activities including but not limited to the following: ATVs, boats, motor bikes, snowmobiles, along with trailers to haul said vehicles; RVs and travel trailers.

**MOTOR VEHICLE SALES, DISPLAY, AND RENTAL** - The use of any building, land area, or premises, for the display, sale, or rental of new or used motor vehicles, and including any warranty repair work and other repair service conducted as an accessory use. The sale or display of inoperable motor vehicles is not allowable as part of this use category, see “JUNKYARD.”

**MOTOR VEHICLE SERVICE STATION** - Any building or premises which provides for the retail sale of gasoline, oil, tires, batteries and accessories for motor vehicles and/or for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Motor vehicle repair work may be done at a motor vehicle service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is conducted. Gasoline pumps and gasoline pump islands shall be located more than 12 feet from the nearest property line.

**NEIGHBORHOOD UTILITY FACILITY** - Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed 120 square feet of area) necessary for conducting a service by a government or a public utility.

**NONCONFORMING USE** - A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this title, but which fails, by reason of such adoption, revision, or amendment, to conform to the present use restrictions of the zoning district in which it is located.

**NURSERY** - Land or greenhouses used to raise flowers, shrubs, and plants for sale. See (Greenhouse).

**NURSING HOME** - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**OFFICE BUILDING** - A building designed for or used as the office of professional, commercial, industrial, financial, religious, institutional, public, or semipublic persons or organizations. Broadcast stations, offices, and studios shall be considered to be office buildings; broadcast towers as defined in this title shall not be so considered.

**OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT** - Any use which has been licensed to sell alcoholic beverages for consumption off the premises where sold.

**ON-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT** - Any use which has been licensed to sell alcoholic beverages for consumption upon the premises where sold, except for special one-day liquor or special malt beverage licenses.

**OUTDOOR STORAGE** - The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material, merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of junkyard as defined herein.

**PARKING SPACE** - A hard-surfaced area, enclosed or unenclosed, sufficient in size to park one motor vehicle. A parking space must be provided an unobstructed means of access, and all spaces shall meet the minimum criteria as prescribed by City Ordinance.

**PARTY WALL** – A common shared wall between two separate structures, buildings, or dwelling units.

**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.

**PERMITTED USES** - Any permissive or conditional uses allowed in a zoning district subject to the restrictions applicable to that zoning district.

**PERSONAL SERVICES** - Establishments primarily engaged in providing services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning, receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental.

**PLANNING COMMISSION** - The duly designated planning board of the municipality responsible for reviewing and approving applications for development and preparation of master plans and ordinances.

**PRINCIPAL BUILDING** - A building in which is conducted the primary or predominant use of the lot on which it is located.

**PRINCIPAL USE** - The primary or predominant use or building of any lot.

**PRINTING PLANT** - A commercial printing operation which makes reproductions involving the use of a printing press and the making of photographic plates.

**PRIVATE CLUB** - A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**PROJECTING SIGN** - A sign other than a wall sign which is attached to and projects from a structure or building face.

**PROPERTY LINE** - See (Lot Line).

**PUBLIC SERVICE FACILITIES** - Government facilities and uses that provide an essential public purpose or service including, but not limited to, a police station, judicial court, fire station, ambulance service, transit or transportation transfer station, library, community center, public recreation facility, or office, but not including public utility or treatment stations, maintenance facilities, sanitary landfills or facilities for incarcerated persons.

**PUBLIC UTILITY FACILITIES** - See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings, structures, and facilities that exceed 120 square feet in area are allowable.

**QUARRY** - A surface excavation used for the removal of rock, stone, sand, gravel, and fill dirt for sale or use off-site and includes sifting, crushing, and washing and bagging.

**RECREATION FACILITY, COMMERCIAL** - A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public for a fee.

**RECYCLABLE MATERIALS** - Materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to, aluminum, paper, glass, steel, and plastic.

**RECYCLING COLLECTION FACILITY** - An established facility where recyclable materials are collected for shipment off site, with no processing such as grinding or crushing of the materials. Fully enclosed automated self-service aluminum collection machines not more than 750 square feet are considered recycling collection facilities regardless of whether they contain a crusher or grinder. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.

**RECYCLING PROCESSING FACILITY** - An established facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials, nor salvage-type automobiles may be processed at these types of facilities. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.

**RETAIL SERVICES AND TRADE** - Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services but does not include on-sale or off-sale alcoholic beverage establishments.

**RESTAURANT** - An establishment where food and drink is prepared, served, and consumed primarily within the principal use.

**ROOF SIGN** - Any sign erected upon, against, or directly above a roof or on top of the parapet of a building.

**ROOMING/BOARDING HOUSE** - See (Boarding House).

**SCHOOL, ELEMENTARY OR SECONDARY (HIGH SCHOOL)** - Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.

**SETBACK/SETBACK LINE** - That line that is the required minimum distance from any lot line that establishes the area within which the principal use must be erected or placed.

**SHALLOW/SURFICIAL AQUIFER** - An aquifer in which the permeable media (sand and gravel) starts near the land surface immediately below the topsoil. The shallow aquifer is further defined as an aquifer within fifty (50) feet or less below the land surface within fifteen (15) feet or less of continuous overlying, extremely low permeability material, such as clay, till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability material for purposes of this ordinance; or, the aquifer is greater than fifty (50) feet but less than one hundred (100) feet below the land surface with thirty (30) feet or less of continuous overlying low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.

**SIGN** - Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include signs not exceeding 12 square feet for advertising the sale or lease of real estate, national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

**SIGN AREA** - The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

**SIGN FACE (DISPLAY SURFACE)** - The entire area of sign on which copy could be placed. See (“Sign Area”).

**SIGN (OFF PREMISE)** - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN (ON PREMISE)** - A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

**SIGN STRUCTURE** - Any structure which supports, has supported, or is capable of supporting a sign.

**SIGN, WALL** - A sign attached to or erected against a wall of a building and projecting no more than twelve (12) inches with the face in a parallel plane to the plane of the building wall.

**SLAUGHTERHOUSE** - A facility for the slaughtering and processing of animals and the refining of their by-products.

**SOLID WASTE TRANSFER FACILITY** - A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

**SPECIFIED ANATOMICAL AREAS** - (1) Less than completely and opaquely covered; (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or other erotic touching or undraped human genitals, pubic region, buttock, or female breast.

**STORY** - Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

**STREET** - A public way which affords the principal means of access to abutting property.

**STREET, ARTERIAL** - A principal traffic artery, more or less continuous across the city, which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the Major Street Plan.

**STREET, COLLECTOR** - A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.

**STREET, LOCAL** - A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.

**STRUCTURAL ALTERATION** - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or any complete rebuilding of the roof or the exterior walls.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures, include buildings, walls, fences, signs, docks, dams, manufactured homes, and sheds.

**TANK FARM** - An open air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products.

**TELECOMMUNICATIONS TOWER** - A self-supporting lattice, guyed-lattice, or monopole structure which supports wireless communications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, two-way radio paging, and other similar services. The term telecommunications tower does not include amateur radio operators' equipment, as licensed by the Federal Communications Commission.

**TEMPORARY SIGN** - A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic, wallboard, or other like materials, and intended to be displayed for a limited period of time.

**TELECOMMUNICATIONS TOWER HEIGHT** - The vertical distance above grade to the highest point of the telecommunications tower, including the base pad and any antenna.

**TELECOMMUNICATIONS TOWER SITE** - The telecommunications tower site shall be the lot of record for which the telecommunications tower is located.

**TRAVEL TRAILER** - Means any of the following:

- (1) **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty (30) feet.
- (2) **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (3) **Motor-Home.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as any integral part of a self-propelled vehicle.
- (4) **Camping Trailer.** A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

**TREE, REQUIRED** - A tree which is required by this ordinance and meets or exceeds the minimum specifications according to tree type.

**USE, ACCESSORY** - See (Accessory Building or Use).

**USE, PERMITTED** - A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

**USE, PRINCIPAL** - A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use includes off-premise advertising.

**WAREHOUSE** - A building used primarily for the storage of goods and materials.

**WASTE** - Any garbage, refuse, sludge from a waste treatment plant, waste supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 1986.

**WHOLESALE MERCHANDISING /WHOLESALE TRADE** - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WIRELESS COMMUNICATIONS FACILITIES** - Any cables, wires, lines, wave guides, antennas, antenna arrays, and any other equipment associated with the transmission or reception of telecommunications signals which a person seeks to locate or have installed upon or near a telecommunications tower or antenna support structure.

**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.

**YARD, REAR** - A yard extending a full width of the lot between a principal building and the rear lot line.

**YARD, REQUIRED FRONT** - The required front yard shall extend across the front of a lot between the said property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.

**YARD LINE.** See (Building Line).

**YARD, REQUIRED REAR** - The required rear yard shall extend across the rear of a lot between the said property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

**YARD, REQUIRED** - Shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this title.

**YARD, REQUIRED SIDE** - The required side yard shall extend between the required front yard line and the required rear yard line. There shall only be one required side yard on a corner lot.

**YARD, SIDE** - A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

**ZONE** - A specifically delineated area or district of the City of Tea within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.