

ADDITIONAL YARD REGULATIONS

- (B). Eaves may project into a side yard twenty-four (24) inches, exclusive of gutters;
- (C). Ordinary projection of sills, belt courses, cornices, vertical solar screen, and ornamental features which may project twelve (12) inches;
- (D). Air conditioners, not to exceed five (5) ton unit or parts thereof, any project into a required side yard, provided that such projections shall be distant at least three (3) feet from the adjacent lot line and shall not extend more than three (3) feet from the building. Such air conditioners may project into a required front yard, but shall not extend more than three (3) feet from the building, and such air conditioner may extend into one side of a corner lot;
- (E). Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten (10) feet.

13.06 PORCHES AND TERRACES IN FRONT YARDS. An open, unenclosed porch may project into a required front yard for distance not exceeding ten (10) feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet.

13.07 PROJECTION OF TERRACES, PORCHES, PLATFORMS, AND ORNAMENTAL FEATURES. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side or rear yard, provided these projections be distanced at least three (3) feet from the adjacent side lot line.

13.08 DOUBLE FRONTAGE LOTS. Where lots have double frontage, the required front yard shall be provided on both streets.

13.09 INTERSECTION SAFETY ZONE *(amended by MC16-94-07 07-17-07)*

- (A). There shall be no obstructions, such as buildings structures, grain bins, baled agricultural products, farm machinery, vehicles or other objects, not including vegetation, within fifty (50) feet from a State, County, or section line highway right-of-way or thirty (30) feet from a platted right-of-way.
- (B). Intersection Safety Zone Requirements
 - 1) At every intersection of two roads or a road and a railroad right-of-way, there shall be a intersection safety zone triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between two and one half (2.5) feet and ten (10) feet above the elevation of the roadway. Agricultural crops, such as corn, are exempt from this regulation. Fences shall conform to Section 12.01 of this ordinance.
 - 2) Such intersection safety zone triangles shall be formed by the intersection centerlines and a line connecting points on the centerlines of the intersection roads or railroad right-of-way one hundred (100) feet distant from the intersecting centerlines.

**ADDITIONAL HEIGHT
REGULATIONS**

**ARTICLE 14.00
ADDITIONAL HEIGHT REGULATIONS**

SECTIONS: 14.01 Exceptions
 14.02 Mechanical Appurtenances

14.01 EXCEPTIONS. The height regulations established in this ordinance shall not be applied to flag poles, domestic television antennas, church spires, chimneys, broadcast towers, telecommunication towers and waters towers. *(amended by MC16-55-01, MC16-65-03)*

14.02 MECHANICAL APPURTENANCES. All necessary mechanical appurtenances placed on the roof, including but not limited to, air conditioning units, heating units, elevator penthouses, communications towers, and satellite receiving dishes, located on top of a building, are exempt from the height regulations of this ordinance as follows:

- (A). No such appurtenances shall exceed 12 feet in height above the maximum permitted in the district in which they are located.
- (B). All said appurtenances must be set back a minimum of 12 feet from all faces of a building when said faces are adjacent to the street.

PARKING AND LOADING

ARTICLE 15.00 PARKING AND LOADING REGULATIONS

- SECTIONS:
- 15.01 Location
 - 15.02 Off-Street Parking Requirements
 - 15.03 Rules for Computing Parking Spaces
 - 15.04 Minimum Improvement and Maintenance Standards
 - 15.05 Off-Street Loading Requirements

15.01 LOCATION. All parking required by this article shall be located in conformance with the following requirements:

- (A). The parking lot shall maintain a minimum setback of 15 feet from the front property line.
- (B). Parking spaces for all structures shall be located on the same site as the structure such parking is intended to serve; except that by conditional use, parking may be located within 300 feet of the use it is intended to serve.

15.02 OFF-STREET PARKING REQUIREMENTS. Off-street parking for specific uses shall be required as follows:

- (A). Single Family and Two-family Dwellings: One space for each dwelling unit.
- (B). Multiple Dwellings: One and one-half spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
- (C). Multiple dwellings for the elderly and handicapped: .75 spaces for each dwelling unit.
- (D). Rooming and Boarding Houses, Sororities, and Fraternities: One space per two beds.
- (E). Private Club or Lodge: One parking space for each 300 square feet of floor area.
- (F). Church or Temple: One parking space for each four seats in the main auditorium.
- (G). School:
 - (1). Colleges and Universities: Because of the unique parking needs of colleges and universities, a permit application for new construction must include a parking study prepared by the applicant of the parking needs of the entire campus including the new use and the study must address a plan to meet the parking needs of the staff and students.
 - (2). High Schools: One parking space for each three students based on the building's design capacity.
 - (3). Junior High School: 25 spaces plus one parking space for each teacher and staff member.

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- (4). Elementary School: five spaces plus one parking space for each teacher and staff member.
- (H). Hospital: One and one-half parking spaces for each bed.
- (I). Sanitarium or Institutional Home: One parking space for each three beds.
- (J). Mortuary: One space for each 50 square feet of floor area in slumber rooms or one for each four seats in chapel, whichever is greater.
- (K). Auditoriums, Theaters, Other Places of Public Assembly: One parking space for each four seats.
- (L). Community Center, Library, Museum or Similar Public or Semi-public Buildings: Ten parking spaces plus one additional space for each additional 300 square feet of floor area in excess of 2,000 square feet.
- (M). Hotel or Motel: Five parking spaces plus one space for each sleeping room or suite.
- (N). Medical Office Building: Buildings in which 20 percent or more of the gross area is occupied by members of healing profession. One parking space for each 200 square feet of the gross area used for medical purposes.
- (O). Manufacturing or Industrial Establishments, Research or Testing Laboratory, Bottling Plant, Warehouse, or other Similar Establishments: Two parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- (P). Restaurant, Bar, Cafe or Recreation or Amusement Establishment Not Specified Herein: One parking space for each 100 square feet of floor area or one parking space per three fixed seats, which ever is greater.
- (Q). Bowling Alley: Three spaces per alley.
- (R). Personal Services: One parking space for each 200 square feet of floor area.
- (S). Retail Stores Selling Furniture, Appliance, or Home Improvement Products (ie. carpet, paint, wall paper, etc.): One parking space for each 600 square feet of floor area.
- (T). Other Retail Uses: One parking space for each 300 square feet of gross floor area except for planned shopping centers of 100,000 square feet of floor area or more who may reduce their requirement to one space for each 400 square feet of floor area.
- (U). All Nonresidential Buildings, Except Those Specified Above: One space for each 300 square feet of floor area.

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15.03 RULES FOR COMPUTING PARKING SPACES. In computing the number of required off-street parking spaces, the following rules shall be applied:

- (A). Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking as herein defined.
- (B). Where fractional spaces result, the number of parking spaces required shall be the nearest whole number.

15.04 MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS. Driveways, parking lots, and loading/unloading areas shall conform with the following improvement and maintenance standards: *(amended by MC16-19-94)*

- (A). Any driveways, parking lots, or loading/unloading areas in a commercial or industrial zoning district shall be constructed with a hard surface when the property is accessed from a hard surface road. Hard surfacing shall consist of:
 - 1. Concrete;
 - 2. Asphalt; or
 - 3. Crushed asphalt. Crushed asphalt shall be applied to the following specifications.
 - 1) A minimum 3 inches packed gravel base.
 - 2) Recycled asphalt packed to 4.5-5 inches.
 - 3) Chip seal shall be applied two (2) times.
 - 4) 2-4 inches of hot-mix asphalt shall be applied when the recycled asphalt material begins to break down.*(amended by MC16-109-10 on 3/16/10)*

Exception: Truck terminals, heavy equipment display, service and rental, concrete and paving plants, construction yards and similar establishments need not hard-surface areas maintained as maneuvering or parking/storage areas for heavy equipment when such areas are not adjacent to a front yard setback or otherwise screened from the public right-of-way. *(amended by MC16-109-10 on 3/16/10)*

- (B). If a driveway, parking lot or loading/unloading area is not required to be hard surfaced in Section 15.04(A), a gravel surface shall be provided. The gravel surface shall be maintained to a minimum thickness of at least four inches.
(amended by MC16-109-10 on 3/16/10)
- (C). Adequate provisions shall be made for the disposal of storm water from a driveway, parking lot or loading/unloading area and the owner shall insure that such water does not flow onto adjoining property in a quantity or manner that would be detrimental thereto. *(amended by MC16-19-94)*
- (D). An opaque fence, wall, berm, or landscaping of a height and character necessary for adequate screening of the parking lot from adjacent residentially used property shall be provided. Where there is a difference in elevation between the property which needs the screening and the property receiving the benefit of the screening, the height of the screen barrier shall be measured on the high side.

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- (E). The entrances and exits to and from any parking lot shall be approved by the Director. Proper directional signs shall be provided.
- (F). The entrances and exits to and from any parking lot or loading/unloading area shall be approved by the Director. Proper directional signs shall be provided.
(amended by MC16-19-94)

15.05 OFF-STREET LOADING REQUIREMENTS.

- (A). There shall be provided at the time any building is erected or structurally altered, off-street loading spaces in accordance with the following requirements:

- (1). Office Buildings:

- 5,000 to 25,000 sq. ft.
of GFA* One 12' X 20' loading space

- 25,001 to 50,000 sq. ft.
of GFA One 14' X 35' loading space

- 50,001 to 200,00 sq. ft.
of GFA Two 14' X 35' loading spaces

- Add one additional 14' X 35' loading space for each
75,000 square feet of gross floor area above
200,000 square feet.

- *GFA means gross floor area.

- (2). Retail or Service Establishment:

- Less than 5,000 sq. ft.
of GFA One 12' X 20' loading space

- 5,001 to 20,000 sq. ft.
of GFA One 14' X 35' loading space

- 20,001 to 100,000 sq. ft.
of GFA Two 14' X 35' loading spaces

- Add one additional space for each 75,000 square feet
of gross floor area above 1,000,000 square feet.

- (3). Wholesale, Commercial use;

- 2,000 to 20,000 sq. ft.
of GFA One 14' X 35' loading space.

- 20,000 to 100,000 sq. ft.

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of GFA Two 14' X 35' loading spaces

Add one additional space for each 75,000 square feet
of gross floor area above 100,000 square feet.

(4). Manufacturing or Industrial Use:

One 14' X 35' space for each 10,000 square feet of
gross floor area plus one 14' X 35' space for each portion thereof in excess
of 50,000 square feet.

(B). Loading spaces are to be provided on each lot in compliance with the following
requirements.

- (1). The loading space shall be completely contained on the lot it is intended to
serve.
- (2). The loading space shall be arranged on the lot in such a way as to allow
normal movement of traffic in and around the loading area.
- (3). No loading space shall be permitted to extend into any public right-of-
way.

**ARTICLE 16.00
ON-PREMISE SIGNS**

(amended MC16-161-19)

- SECTIONS:
- 16.01 Intent
 - 16.02 Permitted Signs and Sign Area
 - 16.03 Regulations and Limitations of Permitted Signs
 - 16.04 Special Situations
 - 16.05 Exemptions
 - 16.06 Illumination
 - 16.07 Temporary and Portable Signs
 - 16.08 Prohibited Signs
 - 16.09 Maintenance and Removal

16.01 INTENT. These regulations provide standards for the erection and maintenance of private signs. The principal feature of this section is the restriction on the total sign area permissible per site. All private signs shall be erected and maintained in accordance with the following standards. The general objectives of these standards are to promote health, safety, welfare and in part to achieve the following:

- (A). **SAFETY:** To promote the safety of persons and property by providing that signs:
 - (1). Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
 - (2). Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to see and interpret any official traffic sign, signal or device.
 - (3). Aid the traveling public in navigation to the locations of businesses and services
- (B). **COMMUNICATIONS EFFICIENCY:** To promote the efficient transfer of information by providing that:
 - (1). Businesses and services may identify themselves;
 - (2). Customers and persons may locate a business or service;
 - (3). No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.
- (C). **LANDSCAPE QUALITY AND PRESERVATION:** To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - (1). Do not create a nuisance to persons using the public rights-of-way;
 - (2). Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.
 - (3). Protect and preserve the aesthetic quality and physical appearance of the county.

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16.02 PERMITTED SIGNS AND SIGN AREA. In the following districts, the sign area and height set forth shall apply to all signs on the premises except as provided in Section 16.05:

- (A). **A-1 AGRICULTURAL AND RC RECREATION/CONSERVATION DISTRICTS:**
(amended by MC16-53-00)
 - (1). Freestanding signs: one or more freestanding signs with the total combined area of one square foot for every 100 linear feet of road frontage.
 - (a). The total area of any one sign shall not exceed 16 square feet.
 - (b). The maximum height shall not exceed 10 feet.
 - (2). Wall signs: On buildings or structures not used as a single family dwelling, a wall sign with the area of one square foot for every 2 linear feet of building frontage with a maximum of 16 square feet of sign area.
 - (3). Reserved
- (B). **RR RURAL RESIDENTIAL AND R-1 RESIDENTIAL:**
 - (1). Wall signs:
 - (a). On buildings or structures not used as a single family dwelling, a wall sign with the area of one square foot for every 2 linear feet of building frontage with a maximum of 16 square feet of sign area.
 - (b). As allowed by section 16.05 Special Use Signs
 - (2). Freestanding signs:
 - (a). Multi family structures and apartments may have one freestanding sign per street frontage not to exceed 16 square feet in size per sign.
 - (b). Single family dwellings may have one freestanding sign in conjunction with a Home Occupation or Conditional Use Permit as allowed by section 16.05 (I) Special Use Signs.
- (C). **C COMMERCIAL, I-1 AND I-2 INDUSTRIAL:**
 - (1). Wall, roof, or projecting signs: *(amended by MC16-19-94)*
 - (a). The total sign area on structures which are two stories or less in height shall not exceed two square feet for each linear foot of building frontage.
 - (b). The total sign area on structures which are greater than two stories in height shall not exceed either two square feet for each linear foot of building frontage, or 15% of the area of the frontage wall, whichever is greater.
 - (2). Freestanding signs having a total sign area not to exceed one square foot for each linear foot of road frontage or 200 square feet, whichever is less.
 - (a). The maximum sign height shall be 30 feet. *(amended by MC16-69-04)*

16.03 REGULATIONS AND LIMITATIONS OF PERMITTED SIGNS.

- (A). **WALL SIGNS.** Wall signs may be located anywhere on the wall of a building.
- (B). **PROJECTING SIGNS.**
 - (1). Projecting signs may project no more than five feet from the building face.

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- (2). Projecting signs shall have a minimum clearance of ten feet above grade level about any yard or sidewalk and 16 feet above any road or drive.
 - (3). Projecting signs may project no more than five feet above the top of a parapet or roof line including the framework or support.
- (C). **ROOF SIGNS.** Roof signs shall rise no higher than five feet above the top of a parapet or roof line and shall not exceed the height limits for the zoning district.
- (D). **FREESTANDING SIGNS.**
- (1). Freestanding signs within C Commercial, I-1, and I-2 Industrial zoning districts shall be limited to one sign structure per street frontage except that businesses on frontages of 300 feet or more may erect two freestanding signs; however, the total sign area for both signs may not exceed that allowed for the street frontage.
 - (2). Freestanding signs shall be located only in the front or side yard.
 - (3). Freestanding signs shall not project over public property.
 - (4). Freestanding signs shall not be erected within the intersection safety zone triangle of two intersecting streets or a street and railroad. The intersection safety zone triangle, in this case, shall be the triangular area formed by measuring 40 feet from the intersection along both roads and connecting these two points with a straight line.

Exceptions: Freestanding signs may be located in the intersection safety zone triangle when the sign and sign structure comply with the following:

- (a). The sign face is located 12 feet above the grade level of the street; and
- (b). The sign structure is of such a size and spacing as to not obstruct the view of said intersection.

(E). **ELECTRONIC MESSAGE SIGNS.**

- (1). Electronic message signs placement:
 - (a). Any permitted sign within a commercial or industrial zoning district may be an electronic message sign.
 - (b). In the A1 Agricultural and RC Recreational Zoning Districts, electronic message signs are allowed for signs which require a building permit.
 - (c). Electronic message signs must be setback a minimum 300 feet from any residential structure.
- (2). Message hold time: Electronic message signs shall display a static message which may not change or be changed for a period of 6 seconds.
- (3). Message transitions: The transition from one static display message to the next shall be limited to gradual movements including, but not limited to, dissolve, fade, or traveling; however, sudden movement is prohibited, including, but not limited to blinking and flashing.

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16.04 SPECIAL SITUATIONS. The following signs may be allowed in addition to the signs permitted in Section 16.02, but signs must be in conformance with all other state and local laws.

- (A). **AUTOMOBILE SERVICE STATION.** Gasoline dispensing stations may have, in addition to other signs, one 12 square foot sign on each street frontage.
- (B). **INTERSTATE HIGHWAY INTERCHANGE.** In the C, I-1 and I-2 Districts, businesses which are adjacent to both the interstate and the intersecting cross street may by conditional use erect one additional on-premise freestanding sign not to exceed 200 square feet or 60 feet in height.
- (C). **CONSTRUCTION SIGNS.** Additional signage may be placed on a property during the time a property has an active building permit. The total sign area shall not exceed 100 square feet or 20 feet in height and shall be removed within one week after final inspection or upon the expiration of the building permit, whichever comes first.
- (D). **NEIGHBORHOOD IDENTIFICATION SIGNS.** In any zone, a masonry wall, landscaping and other similar material or feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such signs or display shall consist only of the neighborhood or tract name, and the sign area shall not exceed 32 square feet.
- (E). **INSTITUTIONAL SIGNS.** Churches, cemeteries, schools, day care centers, institutional and public uses in the agricultural and residential districts may have an on-premise sign not exceeding 32 square feet in area per frontage. Institutional signs require a building permit prior to construction/placement of the sign.
- (F). **INTEGRAL SIGNS.** Names of buildings, dates of erection, monumental citations, commemorable tablets, and the like, of permanent type construction and made an integral part of the building structure shall be permitted not to exceed 16 square feet per building.
- (G). **PRIVATE TRAFFIC DIRECTIONAL SIGNS.** Signs directing traffic movement into, out of or within the commercial premise. Such signs shall not exceed an area of four square feet per sign face and four feet in height. Only two private directional signs are allowed per legal driveway.
- (H). **REAL ESTATE SIGNS.** Temporary signs shall be permitted while a property is actively listed for sale. The total sign area of such signs shall not exceed 32 square feet for each street frontage.
- (I). **SPECIAL USE SIGNS:** In the A-1 Agricultural, RC Recreation/Conservation, RR Rural Residential, and R-1 Residential zoning districts, uses which are governed by a Conditional Use Permit, Major Home Occupation, or Agricultural Tourism Permit may have freestanding, wall, roof, or projecting signs on the premise in accordance with the stipulations of the permit. The total sign area of each sign shall not exceed 32 square feet. Special use signs require a building permit prior to construction/placement

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- (J). BANNERS. Each commercial and industrial zoned property may have one banner no larger than 32 square feet at all times. Additional banners within commercial or industrial zoned property can be placed for a maximum of 21 days during any calendar year. Banners shall be securely mounted or affixed with rigid posts, frame, structure, or building.

16.05 EXEMPTIONS. The following signs and devices are exempt from all aspects of this article, including permit requirements and limitations on size, location, and number: *(amended by MC16-19-94)*

- (A). PUBLIC SIGNS. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty shall be permitted.
- (B). PROPERTY RIGHTS SIGNS. A property owner may post a sign that indicates a property owner's right of exclusion. These signs include no hunting, no trespassing, no soliciting, and similar signs.
- (C). SPECTATOR SIGNS. A sign that is physically oriented toward spectators of an event and not physically oriented so as to attract the motoring public, such as a sign located on the fence of a baseball field, football field, racetrack, or outdoor stadium.
- (D). WINDOW SIGNS. A sign affixed to a window of an enclosed building, including the window or glass area of a door.
- (E). ART. Art as defined as an artistic painting, image, or sculpture created on an individual basis which contains no commercial message, image, trademark, or logo can be created within any zoning district.

16.06 ILLUMINATION. Regulations regarding the illumination of signs shall be as follows:

- (A). SHADING. The light from any illuminated sign or billboard shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.
- (B). BLINKING AND FLASHING. Blinking, flashing, pulsating, or fluttering lights are prohibited.
- (C). RESIDENTIAL DISTRICTS. No illuminated sign or electronic message sign is allowed within any residential zoning district, unless the sign is classified as an institutional sign or neighborhood identification sign.

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- (D). **SIGN BRIGHTNESS:** No illuminated or electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign (sq. ft.)	Measurement Distance (ft.)
10-14	32
15-19	39
20-24	45
25-29	50
30-34	55
35-39	59
40-44	63
45-49	67
50-54	71
55-59	74
60-64	77
65-69	81
70-74	84
75-79	87
80-84	89
85-89	92
90-94	95
95-99	97
100-150	100
More than 150	150

16.07 TEMPORARY AND PORTABLE SIGNS. Temporary and portable signs shall not exceed 32 square feet and may be displayed for 60 days per calendar year in the C and I Districts. It shall be the duty of the user of the sign to:

- (A). Notify in writing and obtain approval from the Planning Director prior to placement of said sign.
- (B). Notify in writing the Planning Director upon removal of said sign. The Planning Director shall continue to deduct one day from the 60 days allowed per calendar year until notice of removal is received or a total of 60 days has elapsed.
- (C). Place the signs in locations so that the provisions of this article and all other applicable codes and ordinances are complied with.

16.08 PROHIBITED SIGNS. The following signs are prohibited: *(amended by MC16-19-94)*

- (A). **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

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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.

- (B). **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.
- (C). **BEACONS, SEARCHLIGHTS, AND FLASHING SIGNS.** Beacons, searchlights, and flashing signs shall be prohibited.
- (D). **SIGNS ON PUBLIC PROPERTY.** Except where required by law or permitted by the County, any sign installed or placed within any right-of-way or public property shall be deemed illegal and shall be forfeited to the public and subject to immediate confiscation.
- (E). **MOVEMENT.** Signs shall not have moving parts or have the illusion of motion as part of the sign, except banner, pennants and similar lightweight signs which move with the atmosphere.

16.09 MAINTENANCE AND REMOVAL. Every on-premise sign, including any exempt from this code in respect to permits and permit fees, shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owners expense. *(amended by MC16-19-94)*

16.10 PERMIT REQUIREMENTS.

- (A). **PERMITTED SIGNS.** The following on-premise sign types require a separate building permit to be obtained prior to the construction or placement of a sign.
 - (1). All permanent signs within a Commercial or Industrial zoning district.
 - (2). All permanent signs allowed with a Major Home Occupation, Conditional Use Permit, or Agricultural Tourism Permit.
 - (3). All projecting signs and roof signs that extend beyond the face of the wall or roof.
- (B). **PERMISSIVE SIGNS.** All on-premise signs types which are not listed in Section 16.10 (A). may be placed when all other requirements are met for this ordinance.

**ARTICLE 17.00
OFF-PREMISE SIGNS**

(amended by MC16-161-19)

- SECTIONS: 17.01 Purpose and Intent
17.02 General Regulations
17.03 Conditional Uses
17.04 Exceptions
17.05 Prohibited Signs
17.06 Maintenance and Removal

17.01 PURPOSE AND INTENT. The purpose of this article is to prevent the uncontrolled use of off-premise signs so as to promote the health, safety and general welfare of those persons using the public rights-of-way. These regulations are intended to preserve the overall landscape quality of the county while allowing the reasonable use of signs to inform the traveling public. This is accomplished through the application of standards for size, illumination and separation. This article is not intended to regulate objects that traditionally are not considered signs for purposes of governmental regulations.

17.02 GENERAL REGULATIONS.

- (A). In the A-1 and RC Districts, off-premise signs shall be limited to those which provide direction to a business or use and shall be constructed in accordance with the following:
- (1). A maximum sign area of 32 square feet on County and State Highways, and 16 square feet on all other roads.
 - (2). Reserved.
 - (3). There shall be no more than one sign face per direction of facing.
 - (4). Spacing requirements. *(amended by MC16-19-94)*
 - (a). A sign shall not be within a 500 foot radius of any other off-premise sign intended to be read from the same right-of-way.
 - (b). The sign shall not be within a 300 foot radius of any other off-premise sign intended to be read from a different right-of-way.
 - (c). No off-premise sign shall be located within 500 feet of a residential dwelling located on a different parcel.
 - (d). All spacing measurements in this subsection shall refer to a measurement made along the edge of the right- of-way and shall apply only to structures located on the same side of the highway.
 - (e). These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of- way at any one time.
 - (f). No off-premise signs are allowed within 500 feet of a public park, school, church, or designated historic site.
 - (5). A sign shall not be illuminated nor shall blinking or flashing lights be used.
 - (6). A maximum height of 16 feet.

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- (7). Off-premise electronic message signs are prohibited.
- (B). The following regulations shall apply to off-premise signs in the C, I-1 and I-2 Districts:
 - (1). A maximum sign area of 288 square feet.
 - (2). There shall be no more than one sign face per direction of facing.
 - (3). The maximum height shall be 40 feet. (*amended by MC16-69-04*)
 - (4). No part of the sign face or structure shall be located in or overlap into the required side or rear yard setbacks or public right-of-way.
 - (5). Spacing requirements. (*amended by MC16-19-94*)
 - (a). A sign shall not be within a 500 foot radius of any other off-premise sign intended to be read from the same right-of-way.
 - (b). The sign shall not be within a 300 foot radius of any other off-premise sign intended to be read from a different right-of-way.
 - (c). No off-premise sign shall be located within 500 feet of a residential dwelling located on a different parcel.
 - (d). All spacing measurements in this subsection shall refer to a measurement made along the edge of the right- of-way and shall apply only to structures located on the same side of the highway.
 - (e). These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of- way at any one time.
 - (f). No off-premise signs are allowed within 500 feet of a public park, school, church, or designated historic site.
 - (6). The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.
 - (7). Electronic message signs.
 - (a). All new permitted off-premise signs may be an electronic message sign subject to requirements listed in Article 16.01 (E).
ELECTRONIC MESSAGE SIGNS.
 - (b). All existing off-premise signs within the C, I-1, and I-2 zoning districts may obtain a permit to become an electronic message sign subject to requirements listed in Article 16.01 (E). ELECTRONIC MESSAGE SIGNS.

17.03 Reserved.

- (A). Reserved. (*amended by MC16-69-04 and MC16-73-05*)
- (B). Reserved.

17.04 EXCEPTIONS.

- (A). Reserved.

OFF-PREMISE SIGNS

- (B). Political campaign signs provided the signs are removed within five days after the election.
- (C). Directional signs, street name signs, or other signs which have been authorized and directed by a governmental unit.

17.05 PROHIBITED SIGNS. The following signs are prohibited:

- (A). **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.
- (B). **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.
- (C). **BEACONS, SEARCHLIGHTS, AND FLASHING SIGNS.** Beacons, searchlights, and flashing signs shall be prohibited.
- (D). **SIGNS ON PUBLIC PROPERTY.** Except where required by law or permitted by the County, any sign installed or placed within any right-of-way or public property shall be deemed illegal and shall be forfeited to the public and subject to immediate confiscation.
- (E). **MOVEMENT.** Signs shall not have moving parts or have the illusion of motion as part of the sign, except banner, pennants and similar lightweight signs which move with the atmosphere.

17.06. MAINTENANCE AND REMOVAL. Every off-premise sign shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be removed or renovated within 60 days upon written notice. If the owner fails to remove or renovate the sign within the required time period the County may remove such sign at the owner's expense. *(amended by MC16-19-94)*

17.07 PERMIT REQUIREMENTS. All off-premise signs require a building permit to be obtained prior to the construction or placement of each sign, except temporary political campaign signs and signs which were authorized and directed by a governmental unit.

**NONCONFORMING AND
NONSTANDARD USES**

**ARTICLE 18.00
NONCONFORMING AND NONSTANDARD USES**

- SECTIONS:
- 18.01 Purpose and Intent
 - 18.02 Continuation of Nonconforming Uses
 - 18.03 Use Becoming Nonconforming by Change in Law or Boundaries
 - 18.04 Change in Nonconforming Use
 - 18.05 Extension or Enlargement
 - 18.06 Restoration After Damage
 - 18.07 Discontinuance of Nonconforming Use
 - 18.08 Effect on Use Which is Illegal Under Prior Law
 - 18.09 Continuation of Nonstandard Uses

18.01 PURPOSE AND INTENT. The purpose of this article is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances under which they shall be permitted to continue.

18.02 CONTINUATION OF NONCONFORMING USES. Subject to the provisions of this article, the lawful use of a premise existing immediately prior to the effective date of this ordinance may be continued although such use does not conform to the provisions hereof.

18.03 USE BECOMING NONCONFORMING BY CHANGE IN LAW OR BOUNDARIES. Whenever the use of a premises becomes a nonconforming use through a change in zoning ordinance or district boundaries, such use may be continued, although the use does not conform to the provisions thereof.

18.04 CHANGE IN NONCONFORMING USE. If no structural alterations or additions are made, a nonconforming use may be changed to another nonconforming use of the same or a more restrictive classification. For the purposes of this article, each of the following classifications shall be considered to be "more restrictive" than those it precedes:

- 1. RC Recreation/Conservation
- 2. RR Rural Residential
- 3. R-1 Residential
- 4. C Commercial
- 5. I-1 Industrial
- 6. I-2 Industrial

Whenever a nonconforming use has been changed to a more restrictive use or to a permitted use, such use shall not thereafter be changed to a less restrictive use.

18.05 EXTENSION OR ENLARGEMENT. A nonconforming use shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the premise is located except that a conditional use permit may be authorized after the following criteria are given specific consideration:

- (A). Effect on surrounding property values.
- (B). The density of land use zoning for the subject and adjacent properties.

**NONCONFORMING AND
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- (C). The degree of hardship upon the applicant which would be caused by failure to grant the permit.
- (D). It can be demonstrated that it was the owner's intent to use the entire premises for said use prior to the adoption, revision or amendment of this ordinance.

18.06 RESTORATION AFTER DAMAGE. When the use of a building is nonconforming as defined by this ordinance and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its fair market value, it shall not be restored except in conformity with the provisions of the district in which the building is located. Exception: Single family dwellings may be restored if damaged less than 100 percent.

18.07 DISCONTINUANCE OF NONCONFORMING USE. In the event that a nonconforming use is discontinued for more than one year, any subsequent use shall thereafter be in conformity with the regulations of the district in which it is located.

18.08 EFFECT ON USE WHICH IS ILLEGAL UNDER PRIOR LAW. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a premises in violation of zoning regulations in effect immediately prior to the effective date of this ordinance.

18.09 CONTINUATION OF NONSTANDARD USES. Nonstandard uses existing immediately prior to the effective date of this ordinance may be continued, although such uses do not conform to the provisions hereof.

Nonstandard buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:

- (A). Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.
- (B). Structural alteration of buildings or structures may otherwise be made if such changes do not encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located.
- (C). Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.

ARTICLE 19.00
CONDITIONAL USE PERMITS

- SECTIONS:
- 19.01 Procedure
 - 19.02 Application
 - 19.03 Fees
 - 19.04 Information on Site Plan
 - 19.05 Planning Commission Hearing
 - 19.06 Appeal of Planning Commission Decision
 - 19.07 Amendments
 - 19.08 Expiration
 - 19.09 Preexisting Uses
 - 19.10 Reapplication
 - 19.11 Recall and Review
 - 19.12 Revocation

19.01 PROCEDURE. The Planning Commission may authorize by conditional use permit the uses designated in this ordinance when located in a zoning district allowing such use. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and to protect the health, safety, and general welfare in the issuance of such conditional use permit.

19.02 APPLICATION. To obtain a conditional use permit, the applicant shall file an application with the Office of Planning and Zoning on a form as provided. Every application shall contain the following information:

- (A). Legal description of the land on which such conditional use is requested.
- (B). Name, address, phone number, and signature of the owner of the property which is the subject of such application. *(amended MC16-94-07 07-17-07)*
- (C). Name, address and phone number of the person making the application if made by anyone other than the owner.
- (D). Zoning district classification under which the property is regulated at the time of such application.
- (E). Any other information concerning the property as may be requested by the Office of Planning and Zoning.

19.03 FEES. Upon the filing of any application for conditional use with the Office of Planning and Zoning, the applicant shall pay to the County the appropriate fee as designated in Article 24.00.

19.04 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 ordinance and all relevant laws, rules, and regulations.

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EXCEPTION: The Planning Director may waive the submission of plans, if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this title.

- (A). The address of the property and the legal description.
- (B). The name of the project and/or business.
- (C). The scale and north arrow.
- (D). All existing and proposed buildings or additions.
- (E). Dimensions of all buildings.
- (F). Distance from all building lines to the property lines at the closest points.
- (G). Building height and number of stories.
- (H). Dimensions of all property lines.
- (I). Parking lots or spaces; designate each space, give dimensions of the lot, stalls, and aisles.
- (J). Screening; show height, location, and type of material to be used.
- (K). The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
- (L). Name and location of all adjacent streets, alleys, waterways and other public places.

Approved plans shall not be changed, modified, or altered and all work shall be done in accordance with the approved plans.

19.05 PLANNING COMMISSION HEARING. Upon the filing of an application for a conditional use permit, the Planning Director shall set a date for public hearing on such requested conditional use, at which time and place the Minnehaha County Planning Commission shall meet to consider the conditional use request.

- (A). NOTIFICATION. A good faith effort must be made by the applicant to notify all property owners (inclusive of Contract for Deed buyers) of land laying within five hundred (500) feet, inclusive of right-of-way, of the outer boundaries of the property involved in the request. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with "Notice of Hearing" forms for this purpose, and the notices are to be sent by the applicant to all parties on the aforementioned list by first class mail no less than one (1) week prior to the public hearing on the

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request held by the Planning commission. The applicant shall sign an affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least five (5) working days prior to the Planning Commission meeting. *(amended by MC16-88-06 7/18/06 and MC16-150-17)*

CAFO & AQUACULTURE EXCEPTION: The applicant for a conditional use permit request for a new or expanding concentrated animal feeding operation or aquaculture facility must make a good faith effort to notify all property owners (inclusive of Contract for Deed buyers) of land laying within one-half (1/2) mile, inclusive of right-of-way, of the outer boundaries of the property involved in the request. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with "Notice of Hearing" forms for this purpose, and the notices are to be sent by the applicant to all parties on the aforementioned list by certified mail no less than fifteen (15) days prior to the public hearing on the request held by the Planning commission. The applicant shall provide the Planning Department the addressed certified mail receipts at least five (5) working days prior to the Planning Commission meeting. *(amended by MC16-150-17 & MC16-157-18)*

- (B). SIGNS. A sign(s) to be provided by the Office of Planning and Zoning shall be posted on or near the property at least five days prior to the scheduled hearing.
- (C). ACTION. The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with Article 19.06.
- (D). CONDITIONAL USE PERMIT CRITERIA. The following criteria shall be considered by the Planning Commission in their review of Conditional Use Permit applications:
 - 1. The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.
 - 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - 3. That utilities, access roads, drainage, and other necessary facilities are provided.
 - 4. That the off-street parking and loading requirements of these Zoning Ordinances are met.
 - 5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
 - 6. Health, safety, general welfare of the public and the Comprehensive Plan.

These criteria shall be in addition to any specific criteria set forth under various conditional uses in Articles 3.04, 4.04, 5.04, 6.04, 7.04, 8.04, 9.01, and 12.

(amended by MC16-138-14 9/28/14)

19.06 APPEAL OF PLANNING COMMISSION DECISION. The decision rendered by the Planning Commission on a conditional use permit may be appealed to the Board of County Commissioners. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Office of Planning and Zoning within five working days of the Planning Commission decision. When an appeal is filed, the Planning Director shall present the Planning Commission's decision to the Board of County Commissioners for review. Notice of the meeting shall be given as required by Article 19.05 (A). The Board shall vote to either uphold, overrule or amend the decision of the Planning Commission.

19.07 AMENDMENTS.

- A. Any approved conditional use plan or conditional use plan addendum may be amended as provided in this section, or entirely withdrawn by the applicant. The Planning Director may approve minor changes to an approved plan without notice or hearings, after consideration of the record from the original public hearing on the plan. *(amended by MC16-125-13 2/19/13)*
- B. Minor changes to an approved conditional use plan shall be done administratively. Minor changes may include but are not limited to minor relocation or reorientation of buildings, lot lines, or easements; relocation of points of access if approved by the appropriate road authority; relocation of internal access and circulation; or relocation or rearrangement or parking areas; reduction in the designated parking spaces, but not less than required under Article 15.00; reorientation of landscaping. *(amended by MC16-125-13 2/19/13)*
- C. Major changes to an approved conditional use plan shall follow the public hearing approval process in Section 19.05. Major changes may include but are not limited to major relocation or reorientation of buildings which have external impacts on adjacent property; reduction in landscaping, an increase in the provision of utilities or infrastructure demands; increase in sign height or sign size. *(amended by MC16-125-13 2/19/13)*

19.08 EXPIRATION. A conditional use permit which has been approved shall expire by limitation and become null and void if the building, work or use authorized by such conditional use permit is not commenced within two years from the date of approval. This provision shall not apply to a conditional use permit approved for a residential use in the A-1 or RC zoning districts. Upon written request to the Planning Director and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted by the Planning Director, subject to the following conditions: *(amended by MC16-19-94 and MC16-150-17)*

- (A). There was no public objection presented during the public hearing process for the original conditional use permit;
- (B). The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit.

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19.09 PREEXISTING USES. An existing use eligible for a conditional use permit which was lawfully established on the effective date of this ordinance shall be deemed to have received a conditional use permit as herein required and shall be provided with such permit by the County upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in accordance with this ordinance shall be required.

19.10 REAPPLICATION. No applicant requesting a conditional use permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission or Board of County Commissioners shall be again considered by the Planning Commission before the expiration date of six (6) months from the date of the final action on the petition.

19.11 RECALL & REVIEW.

If the County Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, or that the use endangers the health and welfare of the public, the Director may recall the conditional use permit for a review by the Minnehaha County Planning Commission. The permittee, landowner and/or operator and other impacted persons shall be notified 15 days prior to the County Planning Commission hearing. The County Planning Commission shall have the authority to amend, revise, delete or add conditions to the conditional use permit in event that they determine the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, or that the use endangers the health and welfare of the public.

(amended by MC16-19-98 and MC16-73-05 6/16/05 and MC16-125-13 2/19/13)

19.12 REVOCATION.

If the County Planning Director finds that at any time that the terms, conditions, or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Director shall report this fact to the permittee, landowner, and/or operator, and the Minnehaha County Planning Commission. The County Planning Commission may, after conducting a public hearing, of which the permittee, landowner and/or operator shall be notified, revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit. *(amended by MC16-125-13 2/19/13)*

**ARTICLE 20.00
CHANGE OF ZONE**

- SECTIONS: 20.01 Application to County or by County for Zoning Change
20.02 Fees
20.03 Planning Commission Hearing
20.04 Board Hearing
20.05 Reapplication

20.01 APPLICATION TO COUNTY OR BY COUNTY FOR ZONING CHANGE. Any person, firm, or corporation desiring a change in regulations, restrictions, or boundaries of the zoning map of any property from one zoning district classification to another zoning district classification under this ordinance, shall make application for such change with the Office of Planning and Zoning. Such application form shall be provided by the Office and be completed in full by the applicant.

The Board of County Commissioners may from time to time on its own motion, after public notice and hearing, and after a recommendation by the Planning Commission amend, supplement, or change the boundaries or regulations herein or subsequently established.

20.02 FEES. Upon the filing of any application for a zoning district classification change with the Office of Planning and Zoning, the applicant shall pay to the County the appropriate fee as designated in Article 24.00.

20.03 PLANNING COMMISSION HEARING. Upon the filing of an application and payment of the fee, the Office of Planning and Zoning shall set a date for public hearing at which time the Planning Commission will consider such requests for a change in zoning district classification. The date for a public hearing shall be a day when the Planning Commission is regularly scheduled to meet.

- (A). **LEGAL NOTICE.** The Planning Director shall cause to be published a legal notice as required in SDCL 11-2-29.
- (B). **SIGNS.** A sign(s) to be provided by the Office of Planning and Zoning shall be posted on or near the property at least five days prior to the scheduled hearing.
- (C). **PLANNING COMMISSION RECOMMENDATION.** The Planning Commission shall consider all applications for zoning district classification changes and make a recommendation to the Board of County Commissioners.

20.04 BOARD HEARING. The Board of County Commissioners shall conduct a public hearing on all applications which have been forwarded to them from the Planning Commission.

- (A). **LEGAL NOTICE.** The Board shall cause to be published a legal notice as required in SDCL 11-2-19.
- (B). **SIGNS.** A sign(s) to be provided by the Office of Planning and Zoning shall be posted on or near the property at least five days prior to the scheduled hearing.

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- (C). HEARING. Upon the day of such public hearing, the Board shall review the decisions and recommendations of the Planning Commission on all applications. The Board, in making its determination on such applications, may make changes in the zoning map in accordance with or in rejection or modification of the recommendations of the Planning Commission.

20.05 REAPPLICATION. No application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board, shall again be considered by the Planning Commission before the expiration of six months from the date of the final action of the Board.

**ARTICLE 21.00
ZONING BOARD OF ADJUSTMENT**

- SECTIONS: 21.01 Establishment
21.02 Operational Procedure
21.03 Appeals
21.04 Variances
21.05 Application to County for Variance
21.06 Fees
21.07 Hearing
21.08 Application From Decision of Board
21.09 Limitations

21.01 ESTABLISHMENT. The Minnehaha County Planning Commission shall act as the Zoning Board of Adjustment. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances, and hear appeals to the terms of these regulations in harmony with the general purpose and intent and in accordance with general and specific rules herein contained.

21.02 OPERATIONAL PROCEDURE.

- (A). The Board shall meet at the regularly scheduled meetings of the Planning Commission. All meetings of the Board shall be open to the public and all business coming before the Board shall be transacted at such meetings.
- (B). The Board shall keep minutes of its proceedings, records of examinations and other official actions, all of which shall be filed in the Office of Planning and Zoning and shall be a public record.

21.03 APPEALS. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning Director in the enforcement of these regulations.

21.04 VARIANCES. The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

- (A). The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- (B). The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use.
- (C). The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

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- (D). The proposed variance will not unreasonably impair an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.
- (E). That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (F). That the variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations.
- (G). The Board shall hear and make determinations on variance to exceed the height limits as established by these regulations.
- (H). The Board of Adjustment, under its authority to grant variances may impose reasonable conditions on the grant, and one accepting those conditions is bound by them.

21.05 APPLICATION TO COUNTY FOR VARIANCE. Any person, firm or corporation desiring a variance or wishing to appeal a decision of the Planning Director or authorized representatives shall make application for such request to the Office of Planning and Zoning. Such application shall be provided by the Office and be completed in full by the applicant.

21.06 FEES. Upon the filing of any application for a variance or appeal by the Board, the applicant shall pay to Minnehaha County the appropriate fee as designated in Article 24.00. These fees shall be utilized to help defray necessary administrative costs of processing the application as required.

21.07 HEARING. Upon the filing of an application, the Office of Planning and Zoning shall set a date for public hearing, at which time and place the Zoning Board of Adjustment shall meet to consider the request for variance or appeal.

- (A). SIGNS. A sign(s) to be provided by the Office of Planning and Zoning shall be posted on the property at least five days prior to the scheduled hearing.
- (B). DECISION. All requests under this article shall be acted upon at a meeting of the Planning Commission. A favorable vote by a majority of the members of the Board shall be required to approve each request.

21.08 APPEALS FROM DECISION OF BOARD. Appeals may be taken to the Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the County, aggrieved by any decision of the Board of Adjustment, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

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21.09 LIMITATIONS. Any order of the Board of Adjustment granting a variance may be declared invalid by the Board of Adjustment unless substantially completed within two years from the date of such order. The Planning Director shall notify the property owner of record upon invalidation of a variance.

ARTICLE 22.00
ADMINISTRATION AND ENFORCEMENT

SECTIONS: 22.01 Powers and Duties
22.02 Right of Entry
22.03 Stop Order
22.04 Occupancy Violation

22.01 POWERS AND DUTIES.

- (A). The Planning Director is hereby authorized and directed to enforce all the provisions of this ordinance and establish rules for its administration.
- (B). In accordance with prescribed procedures and with the approval of the Board of County Commissioners, the Planning Director may appoint technical officers and inspectors and other employees that shall be authorized to assist in the enforcement of this ordinance.

22.02 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Planning Director or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises an ordinance violation, the Planning Director or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Director by this ordinance, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he 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 Planning Director or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Planning Director or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Planning Director or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

22.03 STOP ORDER. Whenever any work is being done contrary to the provisions of this ordinance, the Planning Director may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Planning Director to proceed with the work.

22.04 OCCUPANCY VIOLATION. Whenever any building or structure regulated by this ordinance is being used contrary to the provisions of this ordinance, the Planning Director may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such persons shall discontinue the use within the time prescribed after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this ordinance.

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**ARTICLE 23.00
BUILDING PERMITS**

SECTIONS: 23.01 Building Permits Required
23.02 Application
23.03 Information on Site Plan
23.04 Issuance
23.05 Validity of Permit
23.06 Expiration
23.07 Suspension or Revocation
(Sections 23.01-23.08 amended MC16-96-07 8/21/07)

23.01 BUILDING-PERMITS REQUIRED. It shall be unlawful for any person, firm or corporation to erect, construct, change, enlarge, alter, repair, move, improve, remove, convert, demolish, use, occupy or maintain any building, structure or land use regulated by this ordinance or cause the same to be done without first obtaining a separate building permit for each building, structure or land use change from the Office of Planning & Zoning.

A zoning permit is required prior to a change of use or occupancy within a building or structure.

23.02 APPLICATION. To obtain a building permit, the applicant shall apply at the Office of Planning & Zoning. Every applicant shall:

- (A). Identify and describe the work to be covered by the permit for which application is made.
- (B). Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (C). Indicate the proposed use or occupancy and work proposed.
- (D). Be accompanied by a site plan.
- (E). Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority.
- (F). Give such other data and information as may be required by the Planning Director.

23.03 INFORMATION ON SITE PLAN. 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 ordinance and all relevant laws, ordinances, rule, and regulations.

EXCEPTION: The Planning Director may waive the submission of plans, if he finds that the nature of the work or change in land use applied for is such that reviewing of plans is not necessary to obtain compliance with this ordinance.

BUILDING PERMITS

23.04 ISSUANCE. The application, plans and other data filed by an applicant for a building permit shall be reviewed by the Planning Director. Such plans may be reviewed by other departments to verify compliance with any applicable laws or requirements under their jurisdiction.

If the Planning Director finds that the work described in an application for a permit and the plans, and other data filed therewith, conform to the requirements of this ordinance and other pertinent laws and ordinances, upon receipt of the building permit fee, the building permit shall be issued.

The Planning Director may issue a building permit for the construction or use of part of a building or a structure before the entire plans for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this ordinance. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure, or use will be granted.

23.05 VALIDITY OF PERMIT. The issuance or granting of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this ordinance or of any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid.

23.06 EXPIRATION. Every building or zoning permit issued under the provisions of this ordinance shall expire by limitation and become null and void if the building or work or use authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, work, or use authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall first be obtained to do so, provided no changes have been made or will be made in the original plans and specifications for such work.

23.07 SUSPENSION OR REVOCATION. The Planning Director may, in writing, suspend or revoke a building or zoning permit issued under the provisions of this ordinance whenever the permit is issued in error or on the basis of incorrect information supplied.

23.08 ZONING PERMITS REQUIRED. It shall be unlawful for any person, firm or corporation to change the use or occupancy within any building or structure regulated by this ordinance, or cause the same to be done without first obtaining a separate zoning permit for each use or occupancy change from the Office of Planning & Zoning. If the Planning Director finds that the change described in an application for a permit and the plans, and other data filed therewith, conform to the requirements of this ordinance and other pertinent laws and ordinances, the zoning permit shall be issued. A zoning permit shall be subject to the regulations of Section 23.06 Expiration and Section 23.07 Suspension or Revocation as outlined in this ordinance.

ARTICLE 24.00 FEES

- SECTIONS:
- 24.01 General Regulations
 - 24.02 Change of Zone
 - 24.03 Major Amendment
 - 24.04 Minor Amendment
 - 24.05 Conditional Use
 - 24.06 Board of Adjustment
 - 24.07 Zoning Permit
 - 24.08 Planned Development District
 - 24.09 Agricultural Tourism Permit

24.01 GENERAL REGULATIONS. The fees set forth in this article shall be paid at the time of filing an application with the Office of Planning and Zoning. Such fee shall be payable to the County Treasurer and under no conditions shall any fee be refunded after publication of any required legal notice or, if notice is not required, after the Planning Commission has considered the application. No action shall be taken upon any application unless all fees have been paid.

24.02 CHANGE OF ZONE. A fee of \$350.00 shall be charged for filing an application to change the zoning classification of property, except to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC16-19-94 and MC16-69-04 and MC16-79-05)*

24.03 MAJOR AMENDMENT. A fee of \$100.00 shall be charged for the filing of an application for a major amendment to a Planned Development District. *(amended by MC16-69-04)*

24.04 MINOR AMENDMENT. A fee of \$50.00 shall be charged for the filing of an application for a minor amendment to a Planned Development District. *(amended by MC16-69-04)*

24.05 CONDITIONAL USE. A fee of \$250.00 shall be charged for filing an application for a conditional use permit in any district. If any use, for which a conditional use permit is required, is commenced prior to the application for a conditional use permit, the application fee shall be double the regular fee. *(amended by MC16-19-94 and MC16-69-04 and MC16-79-05)*

24.06 BOARD OF ADJUSTMENT. A fee of \$250.00 shall be charged for filing a variance application or an appeal to the Zoning Board of Adjustment. *(amended by MC16-69-04 and MC16-79-05)*

24.07 ZONING PERMIT. A fee of \$50.00 shall be charged for all zoning permits not requiring a building permit fee. *(amended by MC16-79-05)*

24.08 PLANNED DEVELOPMENT DISTRICT. A fee of \$350.00 plus \$50.00 for each subarea shall be charged for the filing of an application to change to the Planned Development District. If any use, for which a rezoning is required, is commenced prior to the application for a rezoning, the application fee shall be double the regular fee. *(amended by MC16-19-94 and MC16-69-04 and MC16-79-05)*

24.09 AGRICULTURAL TOURISM PERMIT. A fee of \$250.00 shall be charged for the filing of an agricultural tourism permit. If the use, for which an agricultural tourism permit is required, is commenced prior to the application for a permit, the application fee shall be double the regular fee. *(amended by MC16-105-09 6/16/09)*

GENERAL PROVISIONS

ARTICLE 25.00 GENERAL PROVISIONS

- SECTIONS: 25.01 General Regulations
25.02 Violation and Penalty
25.03 Warning and Disclaimer of Liability
25.04 Interpretation, Abrogation, and Severability
25.05 Savings Clause
25.06 Purpose of Catch Heads
25.07 Effective Date

25.01 GENERAL REGULATIONS. The following general regulations shall apply to all zoning districts:

- (A). Except as otherwise provided, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:
 - (1). Except for a purpose permitted in the district in which the structure or land is located;
 - (2). Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located.
 - (3). Except in conformance with any Federal, State or County codes as may be applicable. Where these regulations and any other rules and regulations conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (B). The density and yard requirements of these regulations are minimum regulations for each and every building existing at the effective date of these regulations and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
- (C). Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in these regulations.
- (D). Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

25.02 VIOLATION AND PENALTY. Violations shall be treated in the manner specified below:

- (A). The owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any

GENERAL PROVISIONS

building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day that such violation continues may constitute a separate offense. (amended by MC16-19-94 and MC16-19-07 07-17-07 & MC16-96-07 08-21-07)

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the appropriate authorities of Minnehaha County, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

25.03. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur, and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the flood zone or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Minnehaha County or on any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

25.04 INTERPRETATION, ABROGATION, AND SEVERABILITY. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and other regulations, easement, covenant or deed restriction conflict or overlap whichever imposes the more stringent restrictions shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of this inconsistency only. If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

25.05 SAVING CLAUSE. These regulations shall in no manner affect pending actions either civil or criminal, founded on or growing out of any regulations hereby repealed. These regulations shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulations repealed.

25.06 PURPOSE OF CATCH HEADS. The catch heads appearing in connection with the sections of these regulations are inserted simply for convenience to serve the purpose of an index. The introductory statements found at the beginning of each article are to serve as general references only. The catch heads, introductory statements, and illustrative examples of zoning terms shall be wholly disregarded by any person, office, court, or other tribunal in construing the terms and provisions of these regulations.

25.07 EFFECTIVE DATE. These regulations shall be in full force and effect from and after its passage and publication as provided by law.

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ARTICLE 26.00 DEFINITIONS

(amended by MC16-161-19)

SECTIONS: 26.01 Purpose
26.02 Definitions

26.01 PURPOSE. For the purpose of these regulations certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building' shall include the word 'structure' and 'premises'; the word 'shall' is mandatory and not directory; the words 'used' or 'occupied' include the words 'intended', 'designed' or 'arranged to be used or occupied'; the word 'lot' includes the words 'plot', 'parcel' or 'tract', and the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

26.02 DEFINITIONS.

1. **Reserved.** *(amended by MC16-161-19)*
5. **ACCESSORY BUILDING OR USE.** A subordinate building or portion of the main building, the use of which is incidental to and customary in connection with the main building or the main use of the premises and which is located on the same lot with such main building or use. An accessory use is one which is incidental to the main use of the premises.
- 5A. **ADAPTIVE RESUSE.** The modification of an existing single family dwelling, upon the issuance of a building permit, into an accessory building or use. *(amended by MC16-111-10)*
6. **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” as herein defined, or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment. *(amended by MC16-29-95)*
7. **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 herein defined, or an establishment with a segment or section devoted to the sale or display of such materials. *(amended by MC16-29-95)*
8. **ADULT MINI-MOTION PICTURE THEATER.** An enclosed building with a capacity for less than fifty (50) persons used for presenting material for

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observation by patrons and which excludes minors by virtue of age. *(amended by MC16-29-95)*

9. 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. *(amended by MC16-29-95)*
- 9A. 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”, as herein defined. *(amended by MC16-29-95)*
- 9B. ADULT USE. The term “adult use” shall include adult amusement or entertainment establishment, adult bookstores, adult mini motion picture theaters, adult motion picture theaters, and adult photo studios. *(amended by MC16-29-95)*
10. AGRICULTURE. The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, fish, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. *(amended by 16-40- 98 and MC16-150-17)*
- 10A. AGRICULTURAL WORKFORCE HOUSING . Means any living quarters which meet the requirements of the International Building Code and International Housing Code, provided by any agricultural employer required to provide such housing for employees or families employed as labor force in agricultural activities on land owned and operated by such employer. *(amended by MC16-127-13 3/19/13)*
11. AGRICULTURAL TOURISM. Agriculturally related accessory uses, that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm stands, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, thrashing bees, farmland and activities tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine, beer, spirits, or cheese tasting, and similar uses.
(amended by MC16-144-15 12/1/15)
12. AGRICULTURAL TOURISM PRODUCTS. Includes but is not limited to, crops (corn, wheat, hay, potatoes, hops, barley, rye, oats, and other grains); fruit (apples, peaches, grapes, cherries, berries.); cider; apiary products; vegetables (sweet corn, pumpkins, tomatoes.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, fur); aquaculture products (fish, fish products, water plants and shellfish); and holiday trees. *(amended by MC16-144-15 12/1/15)*
- 13A. Reserved. *(amended by MC16-161-19)*

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- 13B. Reserved. (amended by MC16-161-19)
- 14A. AGRICULTURAL TOURISM SPECIAL EVENT. An activity, involving more than 100 people, that is desirable but unrelated to agriculture, which is held on active, agriculturally productive land in conjunction with agricultural tourism. Special events are open to the public and include festivals, craft shows, and other similar events. Music festivals and/or outdoor concerts are not special events and require temporary use permit approval. (amended by MC16-144-15 12/1/15)
- 14B. AGRICULTURAL TOURISM PRIVATE EVENT. Events not related to the operational and marketing aspects of the agricultural tourism use, such as weddings, receptions, and meetings/retreats, and which are not open to the public. The maximum number of participants that shall be allowed by the Planning Director shall not exceed 250. (amended by MC16-144-15 12/1/15)
- 14C. AGRICULTURAL EMPLOYER. Means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. (amended by MC16-127-13 3/19/13)
- 14D. AGRICULTURAL WORKER, MIGRANT OR SEASONAL. As defined by the U.S. Department of Labor. (amended by MC16-127-13 3/19/13)
15. AIRPORT. A place where aircraft can land and takeoff, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers, including heliports.
18. ANIMAL LIVESTOCK SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of livestock. Livestock does not include exotic animals or household pets as defined by Ordinance MC29-02 the 2002 Minnehaha County Animal Control Ordinance.
19. ANIMAL SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of animals. (amended by MC16-81-06)
20. ANIMAL UNIT. A unit of measurement based on the amount of manure produced by the animal. For the purposes of this ordinance animal units (AU) shall be calculated according to the following chart. Animal units relate to inventory rather than annual production. Animal units are computed by multiplying the number of head of a particular animal times the corresponding animal unit equivalent. Other animal species equivalent which are not listed will be based on species' manure production. (amended by MC16-40-98 and MC16-150-17)

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ANIMAL SPECIES	ANIMAL UNIT EQUIVALENT (AU/HEAD)
Feeder or Slaughter Cattle	1.0
Mature Dairy Cattle	1.4
Finisher Swine (over 55 lbs.)	0.4
Nursery Swine (less than 55 lbs.)	0.1
Farrow-to-Finish (sows)	3.7
Swine Production Unit (sows, breeding, gestating and farrowing)	0.47
Horses	2.0
Sheep	0.1
Turkeys	0.018
Laying Hens and Broilers (liquid manure handling system)	0.033
Chickens, other than laying hens (other than liquid manure handling system)	0.008
Laying Hens (other than liquid manure handling system)	0.012
Ducks (liquid manure handling system)	0.2
Ducks (other than liquid manure handling system)	0.033

21. [Reserved] (amended by MC16-150-17)
22. [Reserved] (amended by MC16-150-17)
23. [Reserved] (amended by MC16-150-17)
- 24A. 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.
(amended by MC16-65-03)
- 24B. ANTENNA SUPPORT STRUCTURE. Any existing structure that supports communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles. (amended by MC16- 65-03)
- 25A. AQUACULTURE. The farming or culture of food fish, shell fish, or other aquatic plants or animals and may require development such as fish hatcheries, rearing pens, and structures and shellfish rafts, as well as use of natural spawning and rearing areas. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility if it grows, contains, or holds aquatic animals in either

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cold or warm water produced in ponds, raceways, or other similar structures. The term also includes activities related to growing, handling, harvesting, or processing of aquatic produce, and, including, but not limited to, propagation, stocking, holding, nurturing, disease treatment, waste disposal, water use, development of habitat and structures, and processing for market. *(amended by MC16-150-17)*

- 25B. AQUACULTURE, COLD WATER SPECIES. The cold water species category includes facilities where animals are produced in ponds, raceways, or other similar structures that discharge at least 30 days per year but does not include facilities that produce less than approximately 20,000 pounds per year or facilities that feed less than approximately 5,000 pounds during the calendar month of maximum feeding. Cold water fish or other animals that thrive in cold water including the Salmonidae family of fish; for example, trout and salmon. *(amended by MC16-150-17)*
- 25C. AQUACULTURE, WARM WATER SPECIES. The warm water species category includes facilities where animals are produced in ponds, raceways, or other similar structures that discharge at least 30 days per year, but does not include closed ponds that discharge only during periods of excess runoff or facilities that produce less than approximately 100,000 pounds per year. Warm water fish or other animals that thrive in warm water including the Ameiuride, Centrachidae, and Cyprinidae families of fish; for example, catfish, sunfish, and minnows, respectively. *(amended by MC16-150-17)*
- 25D. AQUACULTURE, WASTE. Waste water and biosolids resulting from fish production of an aquaculture facility. *(amended by MC16-150-17)*
- 26A. AQUIFER. A zone stratum or group of strata that can store and transit water in sufficient quantities for specific use.
- 26B. AQUIFER, SHALLOW. Any aquifer having the following characteristics:
(amended by MC16-40-98)
- (1). The aquifer is within fifty (50) feet or less below the land surface with fifteen (15) feet or less of continuous, overlying, extremely low permeability material, such as clayey till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability for purposes of this ordinance; or
 - (2). The aquifer is greater than fifty (50) feet but less than one hundred feet (100) 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.
30. AUTOMOBILE SALES. The use of any building, land area, or their premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

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35. AUTOMOBILE SERVICE STATION. Shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and 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. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.
40. AUTOMOBILE STORAGE YARD. The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.
45. BANNERS. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame secured or mounted so as to allow movement of the sign caused by movement of the atmosphere; i.e. pennants, twirling signs, balloons, or other gas-filled figures, ribbons, or other similar moving devices.
50. BAR/LOUNGE. An establishment that is licensed to sell alcoholic beverages, including beer, by the drink.
55. BED AND BREAKFAST ESTABLISHMENT. A bed and breakfast accommodation may provide no more than ten bedrooms for guests (exclusive of the living quarters of the owner or operator). Guests at a bed and breakfast accommodation may stay up to fourteen consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. (amended by MC16-105-09 6/16/09)
60. BILLBOARD. 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. Also, an off-premise sign.
65. BOARD OF COUNTY COMMISSIONERS. The governing body of Minnehaha County.
70. 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.
75. [Reserved.] (amended by MC16-65-03)
80. BUILDABLE AREA. That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.

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85. BUILDING. Any structure, either temporary or permanent, forming an open, partially enclosed, or enclosed space constructed by a planned process of materials and components to be designated and used for the shelter or enclosure of any person animal or property of any kind. For the purpose of these regulations, retaining walls, concrete slabs, utility poles and fences are not considered structures. *(amended by MC16-73-05)*
90. BUILDING, DETACHED. A building surrounded by open space on the same lot.
95. BUILDING ELIGIBILITY. See 'eligible building site'.
100. BUILDING, HEIGHT OF. The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.
105. BUILDING LINE. Is a line on the lot running parallel to and the required horizontal distance from the nearest property line.
110. BUILDING, PRINCIPAL. A nonaccessory building in which is conducted the principal use of the lot on which it is located.
115. BUS/TRUCK TERMINAL. An area and building where buses, trucks, and cargo are stored; where loading and unloading are carried on regularly; and where minor maintenance of these types of vehicles is performed.
120. CAMPGROUND. A plot of ground consisting of two or more campsites where camping units can be located and occupied as temporary living quarters.
125. CATHODIC PROTECTION. A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell; protection of a tank through the application of either galvanic anodes or impressed current.
130. CHANGE OF USE. Substitution of one thing for another specifically regarding use of land or use of a building.
133. CO-LOCATION. The siting of multiple antennas on the same structure, monopole, lattice tower or specialty pole. *(amended by MC16-65-03)*
135. COMMERCIAL RECREATION FACILITY. A recreation facility operated as a business and open to the public for a fee. *(amended by MC16-40-98)*
137. CONCENTRATED ANIMAL FEEDING OPERATION. A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated

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animal feeding operation is further divided into the following classes: *(amended by MC16-150-17)*

ANIMAL UNITS

Class A 2,000 or more

Class B 1,000 to 1,999

Class C 250 to 999

Class D 50 to 249

138. CONCENTRATED ANIMAL FEEDING OPERATION - EXISTING. An operation of at least 50 animal units which existed on May 26, 1998.
139. [Reserved] *(amended by MC16-150-17)*
140. CONTAINMENT FACILITY, PRIMARY. The tank, pit, container, pipe, enclosure, or vessel of first containment of a regulated substance.
145. CONTAINMENT FACILITY, SECONDARY. A second level of containment outside the primary containment facility designed to prevent a regulated substance from reaching land or waters outside the containment area.
150. COMPREHENSIVE PLAN. The adopted long-range plan intended to guide the growth and development of the area, including analysis, recommendations and proposals of economy, housing, transportation, community facilities, and land use.
155. CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled, would promote the public health, safety and welfare.
160. CONTAMINATION, AIR. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that increases ambient air radiation levels by 50 mrems from the background levels established prior to the commencement of such activity, measured at the perimeter of the mining or milling site or at the top of an exploration hole.
165. CONTAMINATION, WATER. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.
170. CONTRACTOR'S SHOP AND STORAGE YARD. Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and repair work, generally completed at some other on-site location.

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175. DAY CARE. The providing of care and supervision of a child or children as a supplement to regular parental care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.
180. 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 useable space available. The ratio is presently thirty-five (35) square feet per child indoors and fifty (50) square feet per child outdoors.
185. DAY CARE, FAMILY. Care is done in a family home and the number of children cared for is limited to a maximum of six (6) children under fourteen. Included in that count are the providers' own children six years and under. See (Home Occupation).
190. DAY CARE, GROUP. Is normally in a family home. The number of children cared for is seven (7) to twelve (12) children under the age of fourteen including the provider's own children six years and under.
195. DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land.
200. DISTRICT. An area for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
205. DWELLING. A building, or portion thereof, constructed in conformance with the Uniform Building Code, and used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses. This definition does not include a mobile home or manufactured home (see subsection 460).
210. DWELLING, SINGLE FAMILY. A building designed for or occupied exclusively by one family.
215. DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families.
220. DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.
225. DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
230. 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.

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235. ELIGIBLE BUILDING SITE (BUILDING ELIGIBILITY). A site which fulfills the requirements for the construction or placement of a residential dwelling or manufactured home. To compute the number of eligible building sites on a lot of record of forty acres or more, the total acreage of the parcel shall be divided by forty acres. The resulting whole number is the number of building sites eligible on the lot of record.
240. EXPLORATION. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.
245. [Reserved.] *(amended by MC16-65-03)*
250. 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 (3) adults who are unrelated by blood or law, in addition to persons actually related by blood or law the following persons shall be considered related by blood or law for the purposes of this ordinance: (1) A person residing with the family for the purpose of adoption; (2) Not more than six (6) persons under eighteen (18) years of age, residing in a foster home licensed or approved by a governmental agency; (3) Not more than four (4) persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.
255. [Reserved.] *(amended by MC16-40-98)*
257. FARMER'S MARKET. An area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products. *(amended by MC16-105-09 6/16/09)*
260. FARMSTEAD. An area which encompasses a farm dwelling or dwellings and other agricultural buildings and structures devoted to and used in connection with a farming operation. A farmstead is generally bounded on one or more sides by a tree belt, is located on one or more quarter- quarter section parcels or equivalent

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area, and does not include crop land, hay land or pasture. *(amended by MC16-40-98 and MC16-150-17)*

- 265. FLOOD INSURANCE RATE MAP (F.I.R.M.). An official map of Minnehaha County on which the Federal Insurance Administration has delineated the areas of flood hazard and their potential for flooding.
- 270. FLOODPLAIN. A land area adjoining a river, creek, watercourse or lake which is likely to be flooded and which is designated as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30 on the most recent adopted Flood Insurance Rate Map (F.I.R.M.) *(amended by MC16-150-17)*
- 275. FLOOD PROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- 280. 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.
- 281. FOOTPRINT. The spatial extent of the buildings, structures, maneuvering areas, storage, and similar items that are a part of a particular use of the site. The footprint is often bound by the exterior wall of a structure, driveway, the beginning of landscaping, or the beginning of an unrelated use on the same or different parcel. If the footprint of a land use that has the spatial extent of greater than 50% of the entire parcel of which it is located, then the lot lines of the parcel will be considered the footprint of the parcel. *(amended by MC16-150-17)*
- 282. FOWL. Birds of the order Galliformes gallus, the order Gallinaceous, and the order Anseriformes. *(amended by MC16-139-14)*
- 285. Reserved. *(amended by MC16-161-19)*
- 290. FRONTAGE. All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.
- 290 A. FRONTAGE, BUILDING. The full area of exterior walls of a building which can be visible at one time excluding projections such as eaves, canopies, and awnings and excluding any visible roof above the eaves or parapet. *(amended by MC16-161-19)*

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295. GARAGE, PRIVATE. A detached accessory building or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.
300. GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automobile body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
305. GARAGE, STORAGE. Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.
307. GENERAL PERMIT. South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations. *(amended by MC16-150-17)*
310. 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.
315. GROUND SIGN. See (Freestanding Sign).
320. GROUND WATER. Subsurface water that fills available openings in rock or soil materials such that it may be considered water saturated.
325. GROUP HOME. A supervised living or counseling arrangement in a family home context providing for the 24 hour care of children or adults.
330. HOME OCCUPATION, MINOR. A business, profession, occupation, or trade conducted for gain or support and located entirely within a dwelling, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the essential residential character or appearance of such dwelling. *(amended by MC16-53-00)*
331. HOME OCCUPATION, MAJOR. A business, profession, occupation, or trade conducted for gain or support and located entirely within a dwelling, or accessory building thereto, which use is accessory, incidental, and secondary to the use of the property for residential or agricultural purposes and does not change the essential residential or agricultural character or appearance of such property. *(amended by MC16-53-00)*
335. HYDROLOGIC BALANCE. The relationship between the quality and quantity of inflow to and outflow from the storage in hydrologic units, such as a drainage base and aquifer, soil zone lake, or reservoir it encompasses, the quantity and quality relationships between precipitation, runoff, evaporation and the change in ground and surface water storage.

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340. HYDROLOGIC REGIME. The entire state of water movement in a given area which is a function of the climate and includes the entire water cycle for the drainage area.

(Intersection Safety Zone see #679)

342. JOINT ZONING JURISDICTION. The area outside a municipality where the Board of County Commissioners has granted to the municipality joint zoning powers with the County. *(amended by MC16-65-03)*
345. KENNEL. Any premise or portion thereon where dogs, cats, or other household pets are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.
347. [Reserved.] *(amended by MC16-18-94 and MC16-40-98)*
348. LIVESTOCK PRODUCTION SURPLUS WATER. That waste water resulting from an animal feeding operation which does not contain more than 2 percent solids nor more than 1 pound of nitrogen as N per 1000 gallons of water. Such water may include, but not be limited to, rain or snowmelt water from open feeding lots, wash water from a dairy operation, or flush water from a confined feeding operation. *(amended by MC16-40-98)*
350. LOADING SPACE. A space within the main building or on the same lot for the standing, loading, or unloading of trucks.
355. LOT. A parcel or tract of land having specific boundaries and which has been recorded in the Register of Deeds office. A lot used for residential purposes shall include only one main building together with its accessory buildings, open spaces and parking spaces required by these regulations and shall have its principal frontage upon a road or other approved access.
360. LOT AREA. The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines. Public right-of-way shall not be considered part of the lot area.
365. 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.
370. LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
375. LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
380. LOT, FRONTAGE. The length of the front lot line measured at the street right-of-way line.

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385. LOT, INTERIOR. A lot other than a corner lot.
390. 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.
395. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.
400. 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 feet to any residential lot line.
405. LOT LINE, SIDE. Any lot line other than a front or rear lot line.
410. LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a parcel of land the deed or agreement to convey to which was recorded in the office of said Register of Deeds prior to July 10, 1979.
415. LOT, WIDTH. The width of a lot at the front yard line.
420. MAIN BUILDING. See 'Principal Building'.
425. MAJOR STREET. Streets or roads which have been designated as freeways or arterial routes on the major street plan.
430. MANUFACTURING:
1). 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.
2). 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.
- 432A. MANURE. Manure, bedding, compose and raw materials or other materials commingled with manure or set aside for disposal. *(amended by MC16-150-17)*
- 432B. MANURE APPLICATION. The application of manure, litter, or production surplus water onto or incorporated into the soil for the purpose of supplying nutrients for crop or pasture land. *_(amended by MC16-150-17)*
- 432C. MANURE APPLICATION, INCORPORATED. Manure applied to the land surface and mechanically mixed into the soil within 24 hours. *(amended by MC16-150-17)*

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- 432D. MANURE APPLICATION, INJECTED. Manure injected or tilled into the soil at the time of application. (amended by MC16-150-17)
- 432E. MANURE APPLICATION, SURFACE APPLIED. Manure applied to the land surface without benefit of incorporation or injection. This shall not include the use of animal waste in irrigation waters. (amended by MC16-150-17)
- 432F. MANURE CONTAINMENT FACILITY. Any structure or facility utilized for the storage or processing of animal manure. (amended by MC16-150-17)
- 432G. MANURE, LIQUID. A method of handling manure where greater than 90 percent of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centerfugal pump under normal operating conditions. (amended by MC16-150-17)
435. MAP, OFFICIAL ZONING. The map or maps, which are legally adopted as a part of the zoning regulations that delineate the boundaries of the zoning districts.
440. MILLING. The processing or enhancing of a mineral.
445. MINE DEWATERING DISCHARGE. Water that has been discharged from active or abandoned mines in areas affected by mineral exploration, mining and milling.
450. MINERAL. An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of these regulations, this definition does not include surface or subsurface water, geothermal resources, or sand, gravel and quarry rock.
455. MINERAL EXTRACTION. The removal of a mineral from its natural occurrence on affected land. The term includes, but is not limited to, underground and surface mining.
460. MOBILE HOME/MANUFACTURED HOME. Any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.
465. MOBILE HOME PARK. A parcel or tract of land designed and maintained for the purpose of providing a location for mobile homes and manufactured homes as living quarters and where private roads provide access to individual lots. This definition shall specifically exclude sales lots for mobile homes, manufactured homes, travel trailers and similar operations.
470. MOTOR VEHICLE REPAIR SHOP. Any building or structure in which a business, service or industry involving the maintenance, servicing or repair of

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vehicles is conducted or rendered. This includes rebuilding of engines, spray paint operations and hourly repair.

475. MREM. One thousandth of a REM.
480. 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 that exceed 120 square feet of roof area) necessary for conducting a service by a government or a public utility. This definition does not include an electrical substation.
485. NONCONFORMING BUILDING OR STRUCTURE. Any building or structure which does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building or structure is located; or is designed or intended for a nonconforming use.
490. NONCONFORMING USE. A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this ordinance, 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.
495. NONSTANDARD USE. The category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this ordinance which fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this ordinance.
500. OFFICE OF PLANNING AND ZONING. The office designated by the Board of County Commissioners to administer and enforce this ordinance.
505. OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, 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 a salvage or junkyard as defined herein.
510. PARKING SPACE. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street and permitting ingress and egress of an automobile.
515. PERMISSIVE USES. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

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520. PERMITTED SPECIAL USE. A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.
525. 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, garment services, coin operated laundry, photographic and art studios, beauty shop, barber shop, shoe repair, reducing salon and health club, and clothing rental.
530. PLANNING COMMISSION. The duly appointed planning board of the County responsible for reviewing and approving applications for development and preparation of plans and ordinances.
535. PLANNING DIRECTOR. The individual appointed by the Board of County Commissioners and designated to administer and enforce the zoning ordinance.
540. Reserved. (*amended by MC16-161-19*)
545. PREMISES. A lot, parcel, tract or plot of land together with all buildings and structures thereon.
550. PRINCIPAL BUILDING. A building in which is conducted the primary or predominant use of the lot on which it is located.
555. PRINCIPAL USE. The primary or predominant use of any lot.
558. PRODUCE STAND. A produce stand is defined as a temporary or permanent structure used for the display and sale of agricultural products, not to include retail nursery operations. (*amended by MC16-105-09 6/16/09*)
560. PUBLIC UTILITY FACILITIES. See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings that exceed 120 square feet in roof area are allowable.
565. QUARTER-QUARTER SECTION. A quarter of a quarter section as determined by the United States Rectangular Land Survey land survey system shall be considered a quarter-quarter section for purposes of these regulations. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.
570. RECHARGE CAPACITY. The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.
572. RECREATION FACILITY. A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures.

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(amended by MC16-144-15 12/1/15)

575. REGULATED SUBSTANCE. A regulated substance shall include: pesticides and fertilizers, hazardous and toxic substances designated by the EPA thru any of the following; Clean Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response Compensation and Liability Act; petroleum and petroleum substances, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, additives used in refining oils and gasoline. This term does not include sewage and sewage sludge.
580. REM (ROENTGEN EQUIVALENT MAN). A measurement of the biological effects resulting from ionizing radiant energy where roentgen is the amount of radiation leading to the absorption of 88 ergs of energy per gram of air.
583. RESIDENTIAL DEVELOPMENT AREA. An area of land that is located in a residential zoning district; a residential subarea within a planned development zoning district; or a subdivision of five or more lots. (amended by MC16-108-10 on 3/16/10)
585. RETAIL SALES 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.
590. SALVAGE OR JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and motor vehicles. This definition includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
595. SANITARY LANDFILL. A site for the disposal of garbage and other refuse material.
600. SETBACK/SETBACK LINE. That line that is the required minimum distance from any lot line that establishes the area within which the principal structure must be erected or placed.
603. SHOOTING/HUNTING PRESERVE. Any acreage, either privately owned or leased, on which hatchery raised game is released for the purpose of hunting, for a fee, over an extended season. (amended by MC16-105-09 6/16/09)
605. SIGN. Any object, device, or structure, or part thereof, visible from the right-of-way or public property, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product,

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service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include national or state flags or their emblem or insignia, or the official announcements or signs of government. (*amended by MC16-161-19*)

- 605B. SIGN, ABANDONED. A sign or sign structure which contains no sign copy, contains obliterated or obsolete sign copy, or is maintained in an unsafe or unsightly condition for a period of three months shall be considered an abandoned sign. (*amended by MC16-19-94*)
- 605C. SIGN, ELECTRONIC MESSAGE. Signs containing a computer or digital software generated message or other automated or remote method of changing copy.
- 605D. SIGN, FREESTANDING (Ground Sign). A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.
- 605E. SIGN, MONUMENT. A ground-mounted, freestanding sign which is attached to the ground or to its base on grade by a solid structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face and no taller than 10 feet.
- 605F. SIGN, PERMANENT AGRICULTURAL TOURISM. A sign erected for an approved agricultural tourism use. (*amended by MC16-144-15 12/1/15*)
- 605G. SIGN, PORTABLE. Any sign not permanently attached to the ground or building.
- 605H. SIGN, SEASONAL AGRICULTURAL TOURISM. A sign erected for a limited period of time during the year when retailing activities for an approved agricultural tourism use are available to the public. (*amended by MC16-144-15 12/1/15*)
- 605I. SIGN, TEMPORARY. A device, display, structure, or pennant that acts as a sign and is intended to be displayed for a limited time period.
- 605J. SIGN, UNSAFE. A sign on which the display area or structure has deteriorated due to rust, rotting, or physical damage to the point where any portion of the sign has the potential to fall shall be considered unsafe. (*amended by MC16-19-94*)
- 605K. SIGN, UNSIGHTLY. A sign which has deteriorated to the point where at least one-fourth of the display area is no longer clearly recognizable at a distance of twenty feet; or where the paint is peeling, chipping or flaking from the structure shall be considered an unsightly sign. (*amended by MC16-19-94*)
610. SIGN AREA. The area of the largest single face of the sign within the 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 faces that are erected back to back and do not exceed a forty-