

ZONING ORDINANCE

CITY OF HOWARD, SOUTH DAKOTA

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ARTICLE 1.
ESTABLISHMENT OF DISTRICTS: PROVISION OF OFFICIAL ZONING MAP

Section 101. Official Zoning Map. The City is hereby divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Finance Officer, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 101 of Ordinance Number 559 of Howard, Miner County, South Dakota," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and Chapters 11-4 and 11-6 SDCL, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following change(s) were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Finance Officer. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until and after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 15.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Finance Officer shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures within the city's jurisdiction.

Section 102. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Finance Officer and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date

of adoption of map being replaced) as part of Ordinance No. 559 of Howard, Miner County, South Dakota.”

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

ARTICLE 2.
RULES OF INTERPRETATION OF DISTRICT BOUNDARIES

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

Section 201. Boundaries indicated, as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;

Section 202. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Section 203. Boundaries indicated as approximately following the city limits shall be construed as following such city limits;

Section 204. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

Section 205. Boundaries indicated as parallel to or extensions of features indicated in subsections 201 through 204 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

Section 206. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 201 through 205 above, the City Board of Zoning Adjustment shall interpret the district boundaries; and

Section 207. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the City Board of Zoning Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE 3.
APPLICATION OF DISTRICT REGULATIONS

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

Section 301. No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

Section 302. No building or other structure shall hereafter be erected or altered:

302.1 to exceed the height or bulk;

302.2 to accommodate or house a greater number of families;

302.3 to occupy a greater percentage of lot area;

302.4 to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

Section 303. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 304. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 305. All territory which may hereafter be annexed to the City shall be considered to be in the R-1 Residential District until otherwise reclassified.

**ARTICLE 4.
NON-CONFORMING USES**

Section 401. Intent. Within the districts established by this Ordinance or amendments that may later be adopted there exist

- 401.1 lots,
- 401.2 structures,
- 401.3 uses of land and structures, and
- 401.4 characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 402. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the City Board of Zoning Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the

purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

Section 403. Non-Conforming Uses of Land (Or Land with Minor Structures Only).

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000 the use may be continued so long as it remains otherwise lawful, provided:

- 403.1 No such non-conforming use shall be changed to increase its non-conformance at the effective date of adoption or amendment of this Ordinance.
- 403.2 If any such non-conforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 403.3 No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 403.4 Should any nonconforming use or structure be destroyed by any means to the extent of more than 50% of its replacement cost, such non-conforming use shall not continue.

Section 404. Non-Conforming Structures or Use. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 404.1 No non-conforming use or structure may be enlarged, moved, or altered in a way which increased its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity. This is not to include normal repairs and maintenance which do not enlarge, move or structurally alter a nonconforming use.
- 404.2 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 405. Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the non-conformity of the structure shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 406. Uses Under Special Exception Provisions Not Non-Conforming Uses.

Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Zoning Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 5.
SUPPLEMENTARY DISTRICT REGULATIONS

Section 501. Exceptions to Height Regulations. The height regulations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 502. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 503. Manufactured Home Provisions.

503.1 Modular Homes

- A. Modular homes shall meet the following regulations.
- B. Modular homes shall meet or exceed Uniform Building Codes.
- C. Modular homes will include all off-site constructed homes, which may be transported to the site in one or more sections.
- D. Modular homes shall have more than 1,000 square feet in ranch style and 850 square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- E. Modular homes shall have a minimum of a 3/12 roof pitch.
- F. Have vinyl or wood lap siding material of a type customarily used on site-constructed residences.
- G. Have roofing material of a type customarily used on site-constructed residences.

Section 503.2 Type I and Type II Manufactured Homes

- A. For the purpose of this Ordinance, manufactured homes will be regulated by type. Two types of homes are defined under these regulations.
 - 1. Type I manufactured home shall:
 - a. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.

- b. Be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- c. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 503.2.B.1.
- d. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the TR-75, issued June 1972, by the U.S. Department of Defense or by the ANTI/NFPA 501A Standards.
- e. Have a gabled roof with a pitch of at least 1/12 feet.
- f. Have vinyl or wood lap siding material of a type customarily used on site-constructed residences.
- g. Have roofing material of a type customarily used on site-constructed residences.
- h. The age of the manufactured house may not exceed fifteen (15) years from the date of manufacture.

2. Type II manufactured home shall:

- a. Have more than 700 square feet of occupied space in a single, double, expando or multi-section unit.
- b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in 503.2.B.
- c. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the TR-75, issued June 1972, by the U.S. Department of Defense or by the ANTI/NFPA 501A Standards.
- d. Have siding material of a type customarily used on site-constructed residences.
- e. Have roofing material of a type customarily used on site-constructed residences.
- f. The age of the manufactured house may not exceed fifteen (15) years from the date of manufacture.
- g. Be place onto a support system, in accordance with approved installation standards, as specified in Section 503.2.B.

B. Installation Standards

1. Permanent Perimeter Enclosure as Required for Type I and II Manufactured Homes

Those manufactured homes designated in this Ordinance (Type I) as requiring a permanent perimeter enclosure must have footings and crawl space or basement walls. The space between the floor joints of the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

- a. The foundation shall be a minimum of eight inches poured concrete or concrete block.
- b. Prior to placement of home on the foundation, it must be inspected and approved by the Administrative Official.

2. Foundation Siding/Skirting

All manufactured homes without a permanent perimeter (Type II) enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.

3. Support System

- a. All HUD-Code manufactured homes of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer's installation specifications.
- b. Type II manufactured homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANTI/NFPA 501A 1977 installation standards.
- c. Nonconforming Homes.

A manufactured home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this Ordinance, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, the land thereafter must be used in conformity with all provisions of this Ordinance.

d. Replacement of Nonconforming Homes.

Thereafter, upon application to the Administrative Official and subsequent approval thereof, a manufactured home, deemed legal nonconforming use, may be replaced by a manufactured home, provided the replacement is of an equal or a higher type. Equal or higher type means that a Type II manufactured home could be replaced with a Type I or II manufactured home; a Type I manufactured home could be replaced only with another Type I manufactured home.

e. Structural Alteration.

Due to its integral design, any structural alteration or modification of a manufactured home after it is placed on the site must be approved by the Administrative Official

Section 504. Manufactured Home Parks. A manufactured home park may be established in specified districts according to the procedures for granting a special exception provided the manufactured home park meets all the following requirements:

504.1 Application Procedure: Each application for a "R3" Manufactured Home Park shall be accompanied by a development plan incorporating the regulations established herein. The plan shall be drawn to scale and indicate the following:

- A. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to Federal, State highways and to County, Township, or City roads and streets;
- B. Property lines and square footage of the proposed park;
- C. Location and dimensions of all easements and right-of-ways;
- D. Proposed general layout, including parking and recreation areas;
- E. General street and pedestrian walkway plan;
- F. General utility, water, and sewer plan.

Upon approval of the application, the plan becomes part of the permanent record and it shall serve as the basis for the final site plan submission.

504.2 Lot Area: The manufactured home park shall provide a minimum of five thousand (5,000) square feet of land area for each manufactured home accommodated therein and the same shall be defined by markers at each

corner. The minimum lot width for each individual mobile home shall fifty (50) feet, and the minimum lot depth for each individual manufactured home shall be one hundred (100) feet.

- 504.3 Yard Requirements: All manufactured homes shall have a front yard of at least twenty-five (25) feet. The distance will be measured from the wall of the structure to the street or roadway at the closest point. All manufactured homes shall have minimum side yards of seven (7) feet and a minimum rear yard of ten (10) feet.
- 504.4 Parking: Two off-street automobile parking spaces shall be provided for each individual manufactured home lot. Such parking space shall be set aside in a location convenient to the occupants of the individual manufactured home, and shall have access by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding twenty-five (25) feet in width in the curb line of said street.
- 504.5 Refuse Facilities: Each manufactured home park shall provide certain necessary facilities for use by the park occupants including, but not limited to: one two-yard refuse collection station, for each twelve (12) lots, situated on a concrete, screened on four sides, conveniently located to serve tenants, and for ease of collection; a sanitary sewerage system, water system, and electrical system which shall be connected to municipal systems; on-site management; and a register for the registration of all occupants.
- 504.6 Maximum Lot Coverage: No Manufactured home shall occupy more than twenty-five percent (25%) of the area of the lot on which it is situated.
- 504.7 Recreation Area: A designated recreation area shall be provided for by developer of the manufactured home park and shall be approved by the Zoning Commission.
- 504.8 Storm Shelter: Management shall provide or make arrangements for a suitable storm shelter for residents of the park.
- 504.9 Tie down Requirements: All manufactured homes, regardless of location, unless such manufactured homes are securely anchored to a permanent foundation approved by the Administrative Official, shall be anchored to the ground, in accordance with the manufacturer's specifications or as prescribed by the TR-75, issued June 1972, by the U.S. Department of Defense.
- 504.10 Maximum Age Limitation: No manufactured home placed within a manufactured home park with the City limits of Howard may exceed twenty (20) years from the date of manufacture.

- 504.11 Density: No park shall be permitted an average net density of manufactured home lots of more than six (6) units per acre and each park shall provide an area of not less than three (3) acres.
- 504.12 Expansion: Existing manufactured home parks may be extended to a total area of less than five (5) acres provided the area of expansion complies with all other regulations herein set forth.
- 504.13 Building/Moved-in Building Permit Required: Whenever a manufactured home is moved into a manufactured home park, a permit from the Administrative Official shall be required.
- 504.14 Skirting: All manufactured homes, regardless of location, unless such manufactured homes are securely anchored to a permanent foundation, approved by the Administrative Official, shall be skirted within thirty (30) days of placement.
- 504.15 Streets: Each manufactured home lot shall abut or face a public or private roadway or street, such roadway or street having an all-weather surface of at least thirty (30) feet in width where parking is permitted on both sides, and twenty-six (26) feet in width where parking is restricted to one side only. Where private streets are proposed, they shall have a minimum right-of-way of forty (40) feet.
- 504.16 Exceptions to Minimum Yard Requirements: A garage, canopy, or carport may project into a required side or rear yard provided it is located no closer than ten (10) feet to another manufactured home, garage, canopy, carport, or addition thereto, and provided further that the maximum depth be twenty-four (24) feet.

A deck may project into a required side or rear yard provided it is located no closer than four feet to any other structure.

An enclosed vestibule containing not more than forty (40) square feet in area may project into a required yard for a distance not to exceed four (4) feet, but in no event closer than ten(10) feet to another manufactured

Detached accessory buildings with a projected room area of not more right-of-way.

Section 505. Signs and Outdoor Advertising.

5.05.1 On- and Off-Site Signs:

- A. No private sign shall be erected or maintained which:
 - 1. Creates a hazard due to collapse, fire, collision, decay or abandonment;
or
 - 2. Creates traffic hazards, by either:
 - a. Confusing or distracting motorists, or
 - b. Impairing the driver's ability to see pedestrians, obstacles or other vehicles, or
 - c. Impairing the driver's ability to see and interpret any official traffic sign, signal or device; or
 - d. Creates a nuisance to persons using a public right-of-way; or
 - e. Constitutes a nuisance to occupancy of adjacent and contiguous property by its brightness, size, height, or movement
- B. Signs shall be permitted in all zoning districts, subject to the following provisions:
 - 1. Wall signs may be located anywhere on the wall of a building.
 - 2. Freestanding signs shall not project over public property;
 - 3. Freestanding signs shall not be erected adjacent to a corner of two intersecting streets, unless such signs are constructed to not obstruct the view of said intersection.
 - 4. Each sign in the incorporated limits of Howard shall at least meet the standards established by the South Dakota Department of Transportation.
- C. Other than utility fixtures or holiday decorations, no signs, awnings, or display shall be suspended, hanged or placed so that the same shall hang over any part of a street or sidewalk, used for vehicular or pedestrian travel unless a written application for a permit is made to the Administrative Official and the said Official grants a permit therefor.
- D. The Administrative Official shall take into consideration factors that would make the proposed structure likely to endanger the property or personal

safety of passersby traveling the streets or sidewalks in question, and whether or not such structure complies with the National Building Code relating to outdoor advertising.

Section 506. Unlicensed Vehicles. Vehicles not in use and without current license may not be kept in any unenclosed area other than designated junk or salvage yards.

Section 507. Visibility At Intersections In Residential Districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

Section 508. Fences

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge running parallel to a street, along the sides or front edge of any front yard shall be over (2 ½) feet in height. However, if the fence, wall or hedge running parallel to the street is further than forty (40) feet from the street line, it may be seven (7) feet high.

No person shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained in the City limits any fences of any character of material closer to the sidewalk line than one foot, and no barbed wire shall be used in the construction of any fences within the city limits.

Section 509. Accessory Buildings.

No accessory building which is attached to or within 10 feet of a principal structure shall be erected in any required yard. No separate accessory building shall be erected within 3 feet of any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 20 feet to the alley line. Accessory buildings may be located in a rear yard, but may not occupy more than 30% of a rear yard, and shall not be used for dwelling purposes.

Section 510. Erection Of More Than One Principal Structure On A Lot.

In any district, Only one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements are met.

Section 511. Private Wastewater Treatment Systems (Septic Tanks).

All existing septic tanks shall be considered Non-Conforming Uses. Any new construction or substantial improvement must be connected to the City's sewer system.

Section 512. Exceptions To Height Regulations.

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

Section 513. Utility Easements.

No building or addition thereto shall be erected over or across any existing public utility nor upon any platted easement.

Section 514. Structures To Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to private streets approved by the Board of Adjustment, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 515. Permanent Foundations Required For Dwellings.

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

Section. 516 Parking.

516.1 Parking, Storage, or Use of Major Recreation Equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in the required front yard of any lot in a residential district, provided however that such equipment may be parked anywhere on residential

premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

516.2 Parking and Storage of Certain Vehicles:

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

516.3 Off-street Parking Requirements:

- A. Single Family Dwellings: Off-street parking for two vehicles shall be provided for every dwelling unit exclusive of required yards.
- B. Hospitals, convalescent or nursing homes: one (1) parking space for each four beds for which accommodations are offered.
- C. Multiple family dwellings: Two (2) parking spaces for each dwelling unit except housing for the elderly projects which shall provide one (1) parking space for each dwelling unit exclusive of required yards:

Section 517. Decaying Or Burned Buildings.

517.1 Removal of Decaying or Burned Building.

Whenever in the opinion of the Administrative Official any building within the limits of this City shall have been damaged by fire, building collapse, decay or otherwise to the extent of fifty (50) percent of the appraised value thereof, it shall be the duty of the Inspector to report the same in writing to the City Council at some regular meeting describing the said building, its location and the name of the owner if known.

The Finance Officer shall then issue a notice served upon the owner, who, if within the State, or in case of absence from the state, upon his agent if there be one, requiring the said owner to appear before the City Council at a time and place specified in said notice to show cause why said building should not be torn down or removed.

In the case the owner cannot be found within the state and there is no agent present, then the notice shall be published in the official newspaper of the City, once each week for four successive weeks. Upon the completion of such publication and due proof thereof, filed with the Finance Officer, proof of such service shall be deemed valid and complete.

517.2 Decaying or Burned Buildings; Hearing, Remedies.

The City Council shall accept evidence pertaining to the condition of such building, the extent to which the same has been damaged and the present value thereof. If in the judgment of the City Council such building has been damaged by fire, decay or otherwise to the extent of fifty (50) percent of its appraised value, then an order shall be made and entered on the record, condemning such building to be removed with the time as therein specified under the direction of the Administrative Official and the Chief of Police. Any disregard of said order shall be deemed a violation of this ordinance, and the City may prosecute the offender. In addition, the City may remove the building and hold a lien against the property for all necessary expenses.

ARTICLE 6.

(RESERVED)

ARTICLE 7.

(RESERVED)

ARTICLE 8.
ADMINISTRATION AND ENFORCEMENT - BUILDING PERMITS

Section 801. Administration and Enforcement. An Administrative Official designated by the City Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 802. Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Administrative Official, except as otherwise indicated. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Ordinance, unless he receives a written order from the City Board of Zoning Adjustment in the form of administrative review, special exception, or variance as provided by this Ordinance. Furthermore, no work on any project shall be commenced until the building permit is displayed in a conspicuous place visible from public right-of-way.

Section 803. Application for Building Permit. All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed use of the buildings and land; the number of families, housekeeping unit, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

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

Section 804. Expiration of Building Permit. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Section 805. Construction and Use to be as Provided in Applications, Plans, and Permits.

Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Deviations shall be deemed violation of this Ordinance, and punishable as provided in Article 15 herein.

Section 806. Moved in Buildings.

It shall be unlawful to move any house or other building onto any lot or to any new location within the City unless and until a permit to do so has been obtained from the Administrative Official. No permit shall be issued until the following requirements are met.

- A. The fee for said permit as prescribed in Article 11 shall have been paid.
- B. That it shall have been shown to the satisfaction of the Administrative Official that the said house or other building complies with the gas, plumbing, electrical and construction requirements of the City of Howard.
- C. That the work is to be completed within twelve (12) months after the permit has been issued by the Administrative Official.
- D. The applicant shall also file with the Finance Officer a letter of credit, insurance, or sufficient bond conditioned so that the applicant will indemnify the City and any public utility for any damage done to any property, street, alley or public grounds. No building shall be moved other than during the period from daylight to sundown. Before any permit is granted under this section, the applicant must furnish proof that all taxes legally assessed against the property have been paid.
- E. If a building or structure is to be moved onto any lot within the city, the Administrative Official shall have the power to deny the granting of a moving

permit on the grounds that the intended use of the structure or location thereof is contrary to the provisions of this chapter.

F. Any building which is not newly constructed to be used for first occupancy, shall also meet the following minimum requirements to obtain a permit.

1. The written consent of all property owners owning property immediately adjacent (excluding streets and alleys) to the proposed building site and the consent of fifty 50 percent of the property owners within 300 feet (excluding streets and alleys) of said proposed location has been received.

ARTICLE 9.
BOARD OF ADJUSTMENT APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

Section 901. Board of Adjustment Creation, Members, Term, Meetings, Rules. A Board of Zoning Adjustment is hereby established which shall consist of the members of the City Council as provided for in Section 11-4-14 SDCL 1967 and amendments.

The members of the Board shall select one of their number as Chairman and another as Vice-Chairman, who shall act as Chairman in the Chairman's absence. Both shall serve one (1) year and until their successors have been selected. The City Finance Officer shall act as Secretary to the Board and keep a record of all proceedings, but shall take no other part in the Board's deliberations. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board shall determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Finance Officer and shall be a public record. The Board shall adopt from time to time subject to the approval of the City Council, such rules and regulations as it may deem necessary to carry the appropriate provisions of this Ordinance into effect.

Section 902. Appeals, Record of Appeal, Hearing and Stays. Appeals to the City Board of Zoning Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the City Board of Zoning Adjustment by filing with the officer from whom the appeal is taken and with the City Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the City Board of Zoning Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the City Board of Zoning Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property.

In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Board of Zoning Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The City Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 903. Powers and Jurisdiction Relating to Administrative Review. The City Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location of structure or to interpret any map.

Section 904. Powers and Jurisdiction Relating to Special Exceptions. The City Board of Zoning Adjustment shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests for special exceptions or for decisions upon other special questions upon which the City Board of Zoning Adjustment is authorized by this Ordinance to pass; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the City Board of Zoning Adjustment unless and until:

- 904.1 A written application for a special exception is submitted, indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested;
- 904.2 Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the Courthouse and in one (1) other public place at least fifteen (15) days prior to the public hearing.
- 904.3 The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- 904.4 The City Board of Zoning Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- 904.5 Before granting any special exception, the City Board of Zoning Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory

provision and arrangement has been made concerning the following, where applicable:

- 904.5.1 Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- 904.5.2 Off-street parking and loading areas where required, with particular attention to the items in Section 904.5.1 above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- 904.5.3 Refuse and service areas, with particular reference to the items in Sections 904.5.1 and 904.5.2 above.
- 904.5.4 Utilities, with reference to locations, availability and
- 904.5.5 Screening and buffering with reference to type, dimensions and
- 904.5.6 Signs, if any, and proposed exterior lighting with reference to
- 904.5.7 Requesting yards and other open space;
- 904.5.8 General compatibility with adjacent properties and other

Section 905. Powers and Jurisdiction Relating to Variances. The City Board of Zoning Adjustment shall have the power, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason for exceptional topographic conditions or other extraordinary and exceptional situation or condition of such pieces of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

- 905.1 No such variance shall be authorized by the City Board of Zoning Adjustment unless and until it finds that the strict application of the Ordinance would produce undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and the granting of such variance is based upon reasons of

demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit and caprice.

- 905.2 No variance shall be authorized unless the City Board of Zoning Adjustment finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make
- 905.3 A variance from the terms of this Ordinance shall not be granted by the City Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- 905.4 No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- 905.5 Notice of public hearing shall be given as in Section 904.2 above; the public hearing shall be held. Any party may appear in person, or by agent or by attorney; the City Board of Zoning Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the City Board of Zoning Adjustment shall further make a finding that the reasons set forth in the applications justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the City Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- 905.6 In granting any variance, the City Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the terms of this Ordinance.
- 905.7 Under no circumstances shall the City Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in

the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 906. City Board of Zoning Adjustment Has Powers of Administrative Officer On Appeals; Reversing Decision of Administrative Officer.

In exercising the above-mentioned powers, the City Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeal from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of two-thirds (2/3) of the members of the City Board of Zoning Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 907. Appeals to a Court of Record. Any person or persons, jointly or severally aggrieved by a decision of the City Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the City may appeal as provided by State law.

ARTICLE 10.
DUTIES OF ADMINISTRATIVE OFFICIAL, CITY COUNCIL AND COURTS ON
MATTERS OF APPEAL

Section 1001.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the City Board of Zoning Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the City Board of Zoning Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council, in connection with this Ordinance, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Article 11.

Section 1002. Administrative Official.

Section 1002.1 Establishment and Purpose.

The position of Administrative Official is hereby established for the City of Howard. The Administrative Official may be employed by the City or other entity in another position. The City Council shall appoint the Administrative Official. Further, he/she may be provided with the assistance of such other persons as the City Council may direct. The Administrative official shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official.

If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 1002.1 Duties.

The powers and duties of the Administrative Official shall be as follows:

- A. Issue all building permits and make and maintain records thereof.
- B. Conduct inspections of buildings, structures, and the use of land to determine compliance with this Ordinance.
- C. Notify in writing persons responsible for violations, indicating the nature of the violation and ordering action necessary to correct it.
- D. Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- E. Revoke; any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
- F. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals, and applications.
- G. Provide public information relative to all matters arising out of this Ordinance.
- H. Forward to the Zoning Commission all applications for amendments to this Ordinance.
- I. Forward to the Board of Zoning Adjustment, applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass under this Ordinance.
- J. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make such reports available to the Zoning Commission. The Administrative Official shall receive applications for Building Permits, Special Exceptions, Variances, and Zoning Amendments.
 1. For Building Permits, the Administrative Official shall approve the application only in accordance with the provisions of the City's Zoning Regulations.
 2. For Special Exceptions and Variances, the Administrative Official shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application.

3. For Zoning Amendments, the Administrative Official shall review the application, and shall make comments regarding said application to the Zoning Commission.

1002.3 Powers.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

ARTICLE 11.
SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Finance Officer and may be altered or amended only by the City Council.

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

ARTICLE 12. AMENDMENTS

Section 1201 (Reserved)

Section 1202. Notice of Public Hearing Required. The regulations or boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice and public hearing procedures shall be in accord with State Statute.

Section 1203. Procedure of Amendment. Following public notice and public hearing, the City Zoning Commission will submit, in writing, its recommendations on each amendment, supplement, change or modification to the City Council within thirty (30) days. Said recommendations will include approval, disapproval, or other suggested action and the reasons therefore. Said recommendations will be advisory only.

In amending, supplementing, changing, or modifying this Ordinance, the City Council will follow the same procedure as required for the adoption of this Ordinance.

The following procedure for requesting a Zoning Amendment shall be followed:

- A. An application for Amendment, available from the Administrative Official or Finance Officer, shall be completed by the landowner or other person(s) requesting the Amendment. Completed applications shall be returned to the Administrative Official for review. To be considered by the Zoning Commission and City Council, the application form shall be completed and shall be accompanied by the following items:
 1. Any required attachments and City fees, including Registered or Certified Mail costs; and
 2. Any additional information, as requested by the Administrative Official, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.
- B. The Administrative Official shall review the application, and shall forward a summary of the application, and his/her comments regarding said application, to the Zoning Commission for their review.
- C. The Administrative Official shall set the date, time and place for a joint public hearing to be held by the Zoning Commission and City Council. The Administrative Official shall notify the landowner by Registered or Certified Mail at least 1 week before the

public hearing, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Amendment, if applicable. The Zoning Administrator shall also publish notice of the public hearing in a newspaper of general circulation in the area affected by the proposed Amendment; such notice shall be published not less than 15 days prior to the public hearing. If the proposed amendment will change the boundaries of a zoning district, the Zoning Administrator shall notify all owners of property affected by the boundary change, by Registered or Certified Mail at the expense of the applicant, at least one week before the public hearing.

- D. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Zoning Commission.
- E. The Zoning Commission shall either recommend or not recommend approval of the amendment to the City Council.
- F. The City Council shall either approve or not approve the ordinance describing the proposed changes to these Zoning Regulations, in accordance with standard procedures for reading, approval, publication and effective date.

ARTICLE 13.

PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

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

ARTICLE 14.
COMPLAINTS REGARDING VIOLATIONS

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

**ARTICLE 15.
PENALTIES FOR VIOLATION**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined no more than two hundred dollars (\$200) and/or imprisonment of thirty (30) days for any one offense. Each day such violation continues shall be considered a separate offense.

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

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

ARTICLE 16.
SEPARABILITY CLAUSE

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

ARTICLE 17. DEFINITIONS

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

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental or subordinate to, the principal use or structure.

Animal Unit. One animal unit is equivalent to one beef cow, steer, feeder or fat beef animal, one horse, 0.7 dairy cow; 1.7 swine; 6.7 sheep; 33 hens, cockerels, capons, broilers or ducks and 10 geese or turkeys.

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

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

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

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

Drive-In Restaurant or Refreshment Stand. Any place or premises used primarily for sale, dispensing, or serving of food, refreshments, or beverage in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

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

Dwelling, Single-Family. A detached residential dwelling unit, other than a manufactured home but to include modular homes, designed for and occupied by one family only.

Dwelling, Multiple-Family. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Two-Family. A detached residential building containing two household units, designed for occupancy by not more than two (2) families.

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

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

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

Feedlot. A feedlot is a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 45 days or more during any twelve-month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility.

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

1. Major mechanical work, involving removal of the head or crankcase;
2. Auto body work, including straightening of auto body parts.
3. Painting or welding of any automobile parts;

4. Storage of automobiles not in operating condition, and;
5. Any other automobile work which involves noise, glare, fumes, smoke, or other characteristics not normal found at places which sell gasoline at retail

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

1. No more than one other person in addition to members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. Notwithstanding the preceding standards, any operation which provides care for more than 12 children in a 24-hour period, shall not be considered a home occupation.

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

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

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

Lot. For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portion of lots of record, or of portions of lots of record.

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

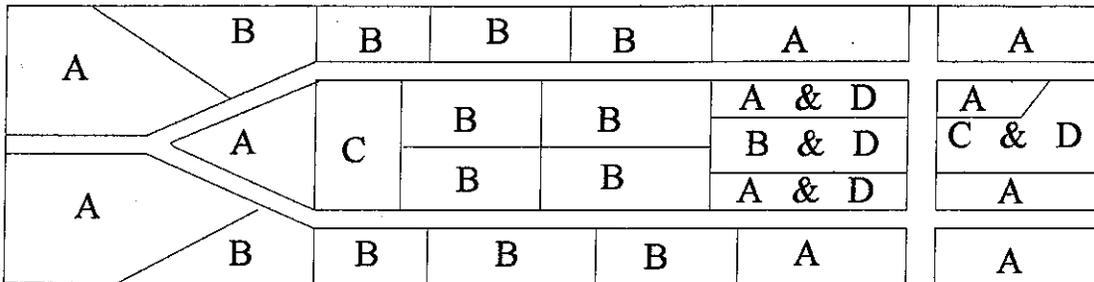
Lot Measurements.

Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of the cul-de-sac, where the 80 percent requirement shall not apply.

Lot of Record. A lot which is part of a recorded subdivision or any lot or parcel, the description of which has been recorded.

Lot Types. See FIGURE 2-1 below:



- A. **Corner Lot**, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- B. **Interior Lot**, defined as a lot other than a corner lot with only one frontage on a street.
- C. **Through Lot**, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- D. **Reversed Frontage Lot**, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), and interior lot (B-D) or through lot (C-D).

Manufactured Home. See Section 503

Manufactured Home Park. See Section 504

Modular Home. See Section 503.1

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

Parking Space, Off-Street. For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

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

Sign, Off-Site. A sign other than an on-site sign.

Shelterbelt. A barrier of trees and shrubs that protects (as soil and crops) from wind and storm and lessens erosion.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, as specific provisions for such exceptions is made in these zoning regulations.

Street Line. The right-of-way line of a street.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, and poster panels.

Travel Trailer, Automobile Trailer, Motorized Home, Camping Trailer, Pick-up Coach. A unit which is self-propelled or towed, can be operated independently of utility connections, is limited in width to eight (8) feet, in length to thirty-six (36) feet, and is designed to be used principally as temporary dwelling.

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

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern of adjoining lots indicates otherwise, the front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the

prevailing yard pattern, the Administrative Official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Administrative Official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the districts; (2) No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lot lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered as side yards.

Width of a required side yard shall be measured in such a manner that the yard established in a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

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

ARTICLE 18.
REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this zoning resolution, or consistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall be in full force and effect upon its passage as provided by law.

ARTICLE 19.
SCHEDULE OF DISTRICT REGULATIONS
HOWARD, SOUTH DAKOTA, ZONING ORDINANCE

This schedule of District Regulations is the schedule referred to in Article 5 of Ordinance No. 377 of Howard, South Dakota.

A-1 AGRICULTURAL DISTRICT

Intent: The intent of the A-1 Agricultural District is to protect agricultural land and uses from incompatible land uses and to limit residential, commercial and industrial uses to those areas where they are best suited by reason of their requirements for public services and sound municipal development.

Permitted Uses: The following uses and structures shall be permitted in the A-1 Agricultural District:

1. Any form of agricultural activity, excluding feed lots and sales or auction yards or barns; and, provided that any livestock pasturing or raising is kept at least one-quarter (1/4) mile from any non-farm residential use;
2. Site built Single-family dwellings;
3. Public parks and recreation areas;
4. On-site signs.
5. Type I Manufactured Homes
6. Modular Homes

Permitted Accessory Uses: The following accessory uses and structures shall be permitted in the A-1 Agricultural District:

1. Accessory uses and structures customarily incidental to permitted uses and structures when established within the space limits of this district;
2. Home occupation;
3. Roadside stands for sales of agricultural products grown or produced on the premises.

Special Exceptions: The following uses may be permitted as special exceptions in the A-1 Agricultural District by the City Board of Zoning Adjustment subject to such

requirements as the Board deems necessary to protect adjacent property, prevent objectionable or offensive conditions and promote the health, safety and general welfare.

1. Cemeteries;
2. Commercial or private recreation areas or developments such as golf courses, riding stables (provided that keeping of stock is outside of one-quarter (1/4) mile area), swimming pools, etc.
3. Public buildings or facilities erected or established and operated by any governmental agency;
4. Radio and television towers and transmitters;
5. Utility substations.
6. Airports
7. Type II Manufactured Homes

Prohibited Uses: All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the A-1 Agricultural District.

Minimum Lot Requirements: The minimum lot area for residences shall be one (1) acre or 43,560 square feet. The minimum lot width for residences shall be one hundred fifty (150) feet. Uses permitted by special exception shall have minimum yard requirements as determined by the City Board of Zoning Adjustment.

Minimum Yard Requirements: Permitted uses shall have a minimum front yard of seventy-five (75) feet, minimum side yards of thirty (30) feet and a minimum rear yard of fifty (50) feet. Uses permitted by special exception shall have minimum yard requirements as determined by the City Board of Zoning Adjustment.

Maximum Lot Coverage: The maximum lot coverage for all buildings and structures shall not exceed ten percent (10%) of the total lot area.

Maximum Height: The maximum height of structures used for dwelling purposes shall not exceed thirty-five (35) feet. The maximum height of structures permitted by special exception shall be determined by the City Board of Zoning Adjustment.

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Intent: The intent of the R-1 Single Family Residential District is to provide for relatively low concentration development of up to twenty (20) persons per acre together with certain public facilities and customary home occupations and professional offices.

Permitted Uses: The following uses and structures shall be permitted in the R-1 Single Family Residential District:

1. Site Built Single family dwellings and their normal accessory buildings
2. Offices of recognized professions providing such profession is carried on in their respective residence, and there is no display nor advertising excepting a small professional name plate;
3. Home occupations engaged in by the occupants of a dwelling provided there is no display of goods visible from the street, and no exterior advertising other than a small announcement sign, not more than seventy-two (72) square inches in area, and further provided, that no more than twenty-five percent (25%) of the total floor area, including basement area, of the building shall be used for this purpose;
4. A sign not more than two hundred and sixteen (216) square inches in area, appertaining to the lease, hire or sale of a building or premise. A renewable permit for one year periods for the erection and maintenance of larger sign for real estate purposes may be issued upon approval of the City Board of Zoning Adjustment;
5. Churches and parish houses providing they meet lot requirements section of this Ordinance.
6. Modular Homes

Special Exceptions: The following uses may be permitted as special exceptions in the R-1 Single Family Residential District by the City Board of Zoning Adjustment, subject to such requirements as the Board deems necessary to protect the health, safety and general welfare:

1. Accessory building other than private garages, except stables;
2. Public libraries, museums and schools;
3. Hospitals, nursing homes, and homes for the aged. Any building approved for such use shall be set back not less than fifty (50) feet from the street on which it fronts and shall have side and rear setbacks of not less than thirty (30) feet and shall meet other requirements of this Ordinance.

4. Multiple-family dwellings. Any building approved for such use shall have the prior consent in writing of one hundred percent (100%) of the adjoining landowners, and fifty percent (50%) of landowners within three hundred (300) feet of the lot lines.
5. Two Family Dwellings
6. Type I Manufactured Homes

Prohibited Uses: All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the R-1 Single Family Residential District.

Minimum Lot Requirements: The minimum lot area for permitted uses shall be nine thousand (9,000) square feet. The minimum lot width of permitted uses shall be seventy-five (75) feet, and depth of not less than one hundred twenty (120) feet.

Minimum Yard Requirements: Permitted uses shall not have a front yard of less than thirty-five (35) feet, minimum side yards of nine (9) feet, and minimum rear yards of twenty-five (25) feet.

Maximum Lot Coverage: The maximum lot coverage for all buildings and structures shall not exceed thirty percent (30%) of the total lot area.

Maximum Height: The maximum height of all structures used for residential purposes, both as permitted uses and special exceptions, shall not exceed thirty-five (35) feet. Other uses permitted by special exception shall have a maximum height as determined by the City Board of Zoning Adjustment.

R-2 GENERAL RESIDENTIAL DISTRICT

Intent: The intent of the R-2 General Residential District is to provide for single family residences at a higher density of up to twenty-four (24) persons per acre, and two family dwellings, as well as other uses permitted in the R-1 District.

Permitted Uses: The following uses and structures shall be permitted in the R-2 General Residential District:

1. All uses listed in the permitted uses section in the R-1 District;
2. Two family dwelling.
3. Multiple family Dwelling

Special Exceptions: The following uses may be permitted as special exceptions in the R-2 General Residential District by the City Board of Zoning Adjustment, subject to such requirements as the Board deems necessary to protect adjacent property, prevent objectionable or offensive conditions, and promote the health, safety, and general welfare:

1. All uses listed in the special exception section in the R-1 District, unless specified elsewhere within this district;
2. Lodging and boarding houses, accommodating not more than five persons not members of the family residing therein;
3. Type I Manufactured Homes

Prohibited Uses: All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the R-2 General Residential District.

Minimum Lot Requirements: The minimum lot area for permitted uses shall be six thousand (6,000) square feet. The minimum lot width shall be fifty (50) feet, and the minimum lot depth shall be one hundred twenty (120) feet. The minimum lot area for multiple family dwellings shall be not less than three thousand five hundred (3,500) square feet per dwelling unit.

Minimum Yard Requirements: The minimum yard requirements shall be as outlined in the R-1 District.

Maximum Lot Coverage: The maximum lot coverage for all buildings and structures shall not exceed thirty percent (30%) of the total lot area.

Maximum Height: The maximum height of all structures used for residential purposes, both as permitted uses and special exceptions, shall not exceed thirty-five (35) feet. Other uses permitted by special exception shall have a maximum height as determined by the City Board of Zoning Adjustment.

"R3" RESIDENTIAL MANUFACTURED HOME DISTRICT

Intent

The purpose of the "R3" Residential Manufactured Home District is to permit the development of a single-family residential manufactured home park located in an appropriate environment. It is the purpose of the "R3" District to encourage site development in accordance with good planning principles; to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood; and to promote the health, safety and welfare of the present and future inhabitants of the City.

Permitted Uses:

The following uses and structures shall be permitted:

1. Manufactured home park developments;
2. Manufactured home subdivisions;
3. Any permitted use in the "R2" District;
4. Type I manufactured homes ;
5. Type II manufactured homes.

6. Type III " "

→ Ord # 577 adds it.

Permitted Accessory Uses:

Accessory buildings and uses customarily incident thereto. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

Prohibited Uses:

All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the "R3" Residential District.

C-1 CENTRAL COMMERCIAL DISTRICT

Intent: Central Commercial District for business establishments oriented to the pedestrian shopper.

Permitted Uses: The following uses and structures shall be permitted in the C-1 Central Commercial District:

1. Retail establishments;
2. Service establishments;
3. Entertainment services;
4. Financial institutions;
5. Local, state and federal offices and services;
6. Newspaper and printing firms;
7. Offices;
8. Parking lot and/or garages;
9. Apartments using the upper floors of commercial buildings;
10. Off-site signs.

Permitted Accessory Uses: The following accessory uses and structures shall be permitted in the C-1 Central Commercial District:

1. Accessory uses customarily incidental to permitted uses.

Special Exceptions: The following uses may be permitted as special exceptions in the C-1 Central Commercial District by the City Board of Zoning Adjustment, subject to such requirements as the Board deems necessary to protect adjacent property, prevent objectionable or offensive conditions and promote the health, safety, and general welfare:

1. Those uses which, in the opinion of the City Board of Zoning Adjustment, are of the same general character and not detrimental to permitted uses.
2. Adult uses which include but are not necessarily limited to adult bookstores and adult motion picture theaters.

ORDINANCE # 577
AN ORDINANCE AMENDING THE CITY OF HOWARD SD
ZONING ORDINANCE AND ZONING MAP

The City Council of the city of Howard upon recommendation of the City Planning and Zoning Commission do hereby make the following changes to the City of Howard Zoning Ordinance and Zoning Map (changes to the ordinance are bolded and underlined)

Amend Article 19 by adding the following use to the R3 Residential Manufactured Home District list of permitted uses:

6. Type III Manufactured Home

Amend Article 19 by adding the following use to the R3 Residential District list of special exceptions:

1. Campground

Amend Article 17 Definitions by adding the following definition:

Campground – An area where recreational vehicles, pull-behind campers, and tents may be placed for the purposes of camping. The campground shall have a minimum of four camping pads/lots. The minimum width for each pad/lot shall be thirty-five (35) feet. The minimum depth for each pad/lot shall be fifty (50) feet. There shall be a minimum separation distance of fifteen (15) feet between campers. All pads/lots that are adjacent to a public street shall be set back twenty (20) feet from the right-of-way. Lighting, electricity, water and sanitary sewer services shall be provided to each individual camping pad/lot. There shall be no open fires in a campground except in designated areas.

Amend Article 5, Section 503.2, by adding the following language:

Type III manufactured home shall:

- a. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.**
- b. Utilize a permanent perimeter enclosure in accordance with approved installation standard, as specified in 503.2.B.**
- c. Be anchored to the ground, in accordance with manufacturer's specifications,**

or as prescribed by the TR-75, issued June 1972, by the U.S. Department of Defense or by the ANSI/NFPA 501A Standards.

- d. Have siding material of a type customarily used on site-constructed residences.
- e. Have roofing material of a type customarily used on site-constructed residences.
- f. The age of the manufactured house may not exceed fifteen (15) years from the date of manufacture.
- g. Be placed onto a support system, in accordance with approved installation standards, as specified in Section 503.2.B.

1. Foundation Siding/Skirting

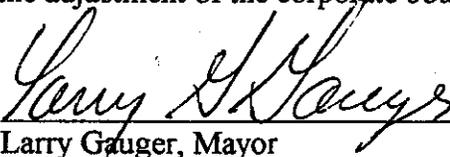
All manufactured homes with a permanent perimeter (Type II and Type III) enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.

Amend Article 5, Section 503.2B.3. by adding the following language.

3. Support System

- b. Type II and Type III manufactured homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANSI/NFPA 501A 1977 installation standards.

The City Zoning Map is to be amended by the adjustment of the corporate boundaries.


Larry Gauger, Mayor

Attest


Donna Klinkhammer
Finance Officer

First reading: July 12, 1999
Second reading: August 9, 1999
Approved: August 9, 1999

Prohibited Uses:

1. Blacksmith shop;
2. Coal or lumber yards;
3. Metal working shop, tinsmith or plumbing shop employing more than five (5) workers on the premises;
4. Milk or soft drink bottling or distributing stations employing more than ten (10) workers;
5. Poultry or livestock killing, dressing or live storage;
6. Manufacturing of any kind;
7. Oil stations, auto cleaning establishments or automobile, truck, or machinery sales when located within a radius of 150 feet of a church edifice, hospital, or public school.

Minimum Lot Requirements: Permitted uses shall have a minimum lot area of three thousand five hundred (3,500) square feet and a minimum lot width of twenty-five (25) feet. Uses permitted by special exception shall have a minimum lot area and width as determined by the City Board of Zoning Adjustment.

Minimum Yard Requirements: No yards shall be required in the C-1 Central Commercial District provided, however, that all buildings located on lots adjacent to a residential district shall observe a yard requirement equivalent to the minimum yard requirements of the residential district on the side or side adjacent. Uses permitted by special exception shall have a minimum yard requirement as determined by the City Board of Zoning Adjustment.

Maximum Lot Coverage: The maximum lot coverage for all permitted uses shall not exceed ninety percent (90%). The maximum lot coverage for all uses permitted by special exception shall be as determined by the City Board of Zoning Adjustment.

Maximum Height: The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.

H-C HIGHWAY COMMERCIAL DISTRICT

Intent: The intent of this district is to accommodate those industrial uses able to meet performance standards and commercial uses not compatible with the Central Commercial District.

Permitted Uses: The following uses and structures shall be permitted in the H-C Highway Commercial District:

1. Horticulture and the raising of field crops;
2. Automobile filling stations;
3. On-site signs;
4. Utility substations;
5. Wholesale or retail sales of: lumber and other building materials, farm equipment, motor vehicles, marine crafts, mobile homes, trailers, farm and garden supplies, fuel and ice; motor vehicles and automobile equipment; drug, chemicals, all allied products; dry goods and apparel; groceries, and related products; electrical goods, hardware, plumbing, heating and equipment and supplies; machinery, equipment and supplies; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; lumber and construction materials;
6. General farm products, household goods, and refrigerator warehousing and storage;
7. Motor freight terminals, garaging and equipment maintenance;
8. Mortuaries;
9. Contract construction services;
10. Off-site signs.
11. Public Buildings

Special Exceptions: The following uses may be permitted as special exceptions in the H-C Highway Commercial District by the City Board of Zoning Adjustment subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare.

1. Food lockers, provided that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;

2. Other industrial or commercial uses determined by the City Board of Zoning Adjustment to be consistent with the intent of this district.

Prohibited Uses: All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the H-C District.

Minimum Lot Requirements: The minimum lot area for permitted uses shall be one (1) acre square feet. The minimum lot width for permitted uses shall be one hundred (100) feet. The minimum lot area and width for uses permitted by special exception shall be as determined by the City Board of Zoning Adjustment.

Minimum Yard Requirements: Permitted uses shall have a minimum front yard of twenty-five (25) feet, minimum side yards of ten (10) feet, and a minimum rear yard of twenty (20) feet.

Maximum Lot Coverage: The maximum lot coverage for all buildings and structures shall not exceed seventy-five percent (75%) of the total lot area.

Maximum Height: The maximum height of all buildings and structures shall not exceed forty-five (45) feet.

I-1 INDUSTRIAL DISTRICT

Intent: The intent of the I-1 Industrial District is to provide for all types of manufacturing.

Permitted Uses: The following uses and structures shall be permitted in the I-1 Industrial District:

1. All uses permitted in H-C area, and which, upon application to the City Zoning Commission, are granted by special permit, except that the following uses shall be approved by the City Zoning Commission after public notice and hearing.

Special Exceptions: The following uses may be permitted as special exceptions in the I-1 Industrial District by the City Board of Zoning Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare.

1. Slaughterhouse;
2. Crematory;
3. Explosive manufacture or storage;
4. Fertilizer manufacture;
5. Incineration or reduction of garbage, dead animals, fat or refuse;
6. Junk yards, including the storage of or baling of scrap paper, iron, bottles, rags or junk;
7. Soap manufacture;
8. Tanning of leather, rawhide, or skins;
9. Livestock sales or auction barns and yards;
10. And in general, those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of odor, dust, gas, smoke, or noise.

Prohibited Uses: All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the I-1 Industrial District.

Minimum Lot Requirements: The minimum lot area for permitted uses shall be 1 acre. The minimum lot width for permitted uses shall be one hundred (100) feet. The minimum lot area and width for uses permitted by special exception shall be as determined by the City Board of Zoning Adjustment.

Minimum Yard Requirements: Permitted uses shall have a minimum front yard of twenty-five (25) feet, minimum side yards of ten (10) feet, and a minimum rear yard of twenty (20) feet.

Maximum Lot Coverage: The maximum lot coverage for all buildings and structures shall not exceed seventy-five percent (75%) of the total lot area.

Maximum Height: The maximum height of all buildings and structures shall not exceed forty-five (45) feet.

CN CONSERVATION DISTRICT

Intent: The purpose of Conservation Districts is to provide for the retaining of natural growth of a particular area to preserve the natural environment and resources from destructive land uses and to protect wildlife habitat.

Permitted Uses: The following uses and structures shall be permitted in the CN Conservation District:

1. Wildlife production areas;
2. Game refuges;
3. Historic sites and/or monuments;
4. Designated natural prairies;
5. Public hunting and fishing access areas.

Special Exceptions: The following uses may be permitted as special exceptions in the CN Conservation District by the City Board of Zoning Adjustment, subject to such requirements as the Board deems necessary to protect and preserve the natural features of the area:

1. Transportation and utility easements and rights-of-way;
2. Utility substations;
3. Public parks and/or playgrounds;
4. Horticulture and livestock grazing.

FP FLOOD PLAIN DISTRICT

Intent: The intent of the FP Flood Plain District is to protect from encroachment watershed areas subject to flooding, backwater spreading, and flood water or overflow of streams or rivers.

Permitted Uses: The following open space uses shall be permitted within the Flood Plain District provided they do not require structures, landfill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;
2. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips;
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

Uses Permitted on Review: No permit shall be issued for the construction of any building or structure including railroads, street, buildings and utility lines or for any use within the Flood Plain District until plans for construction have been submitted to the Zoning Commission and approval is given in writing after the other provisions of this Ordinance have been fulfilled. In its review of plans submitted, the Zoning Commission shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood levels and endanger life and property.

1. Any structures or filling of land permitted shall be of a type not appreciably damaged by floodwaters;
2. Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining district;
3. Any permitted structures or the filling of land shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water;

4. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream;
5. The storage or processing of materials that are in time of flood buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited.
6. Any structure shall be constructed on fill so that the first floor is above the regulatory flood-protection elevation. The fill, which shall include the access to the structure from a public street, shall have an elevation no less than one foot below the regulatory flood protection elevation for the particular area and the fill shall extend no less than ten (10) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the Zoning Commission may authorize other techniques for elevation.
7. Any structure may, in special circumstances, be protected by other flood proofing measures to a point at or above the regulatory flood protection elevation.
8. Where in the opinion of the Zoning Commission topographic data, engineering and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the Zoning Commission may require the applicant to submit such data.
9. The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind by the Zoning Commission or by any officer or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

Area, Height, and Parking Regulations: Any structure or use permitted shall comply with the minimum area, height, and parking regulations established for such structure and use in the most restrictive of the adjacent zoning districts and with other parts of the Ordinance which regulate the use of its normal accessory uses.