

Chapter 17.40

CENTRAL BUSINESS DISTRICT (CB)

Sections:

- 17.40.010 Intent.**
- 17.40.020 Permitted principal uses and structures.**
- 17.40.030 Permitted accessory uses and structures.**
- 17.40.040 Permitted conditional uses.**
- 17.40.050 Prohibited uses and structures.**
- 17.40.060 Minimum lot requirements.**
- 17.40.070 Minimum yard requirements.**
- 17.40.080 Maximum lot coverage.**
- 17.40.090 Maximum height.**

17.40.010 Intent.

The intent of the central business district (CB) is to provide a commercial area for those establishments serving the general shopping needs of the trade area and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of trade, service, governmental and cultural activities and to provide neighborhood commercial convenience areas. (Ord. 386 § 801, 2002)

17.40.020 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in the central business district (CB):

A. Retail sales of: groceries, fruits, vegetables, dairy products, meats, poultry prod-

ucts, fish and seafood, baked goods, candies, nuts, confectionery items, beer, wine and distilled alcoholic beverages, heating and plumbing equipment, paint, glass, wallpaper, electrical supplies, hardware, dry goods and general merchandise, tires, batteries and accessories, marine and aircraft accessories, wearing apparel and accessories, furniture, home furnishings and equipment, household appliances, radios, televisions, music supplies, drugs and proprietary medicines, antiques and second-hand merchandise, books and magazines, cameras and photographic supplies, gifts, novelties, and souvenirs, and optical goods;

B. Finance, insurance and real estate services;

C. Laundering, dry cleaning and dyeing services; photographic services including commercial services; beauty and barber services; apparel repair, alteration and cleaning pickup service; shoe repair services;

D. Business services, excluding any warehousing and storage services;

E. Automobile washing, electrical repair, radio and television repair and watch, clock and jewelry repair;

F. Professional services;

G. Governmental services;

H. Educational services;

I. Bus passenger terminals and taxicab transportation;

J. Churches, synagogues and temples; welfare and charitable services; business associations, professional membership organizations, labor unions and similar labor organizations and civic, social and fraternal associations;

K. Eating and drinking places;

L. Communication and utility uses;

M. Public buildings and grounds;

N. On-site signs;

- O. Automobile service stations;
 - P. Hotels and motels;
 - Q. Automobile parking;
 - R. Libraries, museums, art galleries, planetary, aquariums, historic and monument sites, motion picture theaters, legitimate theaters, auditoriums, exhibition halls, penny arcades, gymnasiums and athletic clubs, ice skating, roller skating and bowling;
 - S. Parks.
- (Ord. 386 § 802, 2002)

17.40.030 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in the central business district (CB):

Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district. (Ord. 386 § 803, 2002)

17.40.040 Permitted conditional uses.

After the provisions of this title relating to permitted conditional uses have been fulfilled, the planning commission may permit as permitted conditional uses in the central business district (CB):

- A. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district;
 - B. Structures containing both commercial and residential uses, provided, that the residential uses are not on the ground floor.
- (Ord. 386 § 804, 2002)

17.40.050 Prohibited uses and structures.

All other uses and structures that are not specifically permitted or not permissible as

permitted conditional uses shall be prohibited from the central business district (CB). (Ord. 386 § 805, 2002)

17.40.060 Minimum lot requirements.

The minimum lot area shall be two thousand, four hundred (2,400) square feet. The minimum lot width shall be twenty (20) feet. (Ord. 386 § 806, 2002)

17.40.070 Minimum yard requirements.

All buildings located on lots adjacent to a residential district (R) shall be located so as to conform on the adjacent side with the side yard requirements for the adjacent residential district (R). (Ord. 386 § 807, 2002)

17.40.080 Maximum lot coverage.

The maximum lot coverage for all buildings shall not be more than ninety (90) percent of the total lot area. (Ord. 386 § 808, 2002)

17.40.090 Maximum height.

The height of all structures shall not exceed forty-five (45) feet. (Ord. 386 § 809, 2002)

Chapter 17.44

BUSINESS DISTRICT-- RESTRICTED (B-R)

Sections:

- 17.44.010 Intent.**
17.44.020 Permitted principal uses and structures.
17.44.030 Requirements same to central business district.

17.44.010 Intent.

The intent of establishing the business district restricted (B-R) is to provide for a specialized and limited commercial and professional area that allows for establishments oriented towards both vehicular and pedestrian access. Uses are generally similar to central business (CB) except that the business uses are more limited to professional office uses and specific retail enterprises. The purpose is to provide for small centers beyond the central business area where those areas are most compatible. (Ord. 386 § 801-R, 2002)

17.44.020 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in the business district restricted (B-R):

- A. Wearing apparel and accessories; small household appliances, radios, televisions, and music supplies; drugs and proprietary medicines; books and magazines; cameras and photographic supplies; gifts, novelties, and souvenirs; optical goods; sales and services thereof;
- B. Finance, insurance and real estate services;

- C. Photographic services including commercial services; beauty and barber services; apparel repair, alterations, and cleaning pickup services; shoe repair services;
- D. Business services, excluding any warehousing and storage services;
- E. Professional services;
- F. Governmental services;
- G. Educational services;
- H. Churches, synagogues, and temples; welfare and charitable services; business associations, professional membership organizations, labor unions and similar labor organizations; and civic, service, and similar organizations;
- I. Eating and drinking places (nonalcoholic);
- J. Communication and utility uses;
- K. Public buildings and grounds;
- L. Automobile parking;
- M. Parks;
- N. On-site signs.
- (Ord. 386 § 802-R, 2002)

17.44.030 Requirements same to central business district.

Sections 17.40.030 through 17.40.090 of the central business district requirements are included in this business district restricted by reference. (Ord. 386 § 803-R, 2002)

Chapter 17.48

HIGHWAY COMMERCIAL DISTRICT (HC)

Sections:

- 17.48.010 Intent.**
- 17.48.020 Permitted principal uses and structures.**
- 17.48.030 Permitted accessory uses and structures.**
- 17.48.040 Permitted conditional uses.**
- 17.48.050 Prohibited uses and structures.**
- 17.48.060 Minimum lot requirements.**
- 17.48.070 Minimum yard requirements.**
- 17.48.080 Maximum lot coverage.**
- 17.48.090 Maximum height.**

17.48.010 Intent.

The intent of the highway commercial district (HC) is to provide commercial areas for those establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled and the display space required, particularly items requiring expansive display area such as motor vehicles, trailers, and farm implements; the method of transport required of the purchaser for the merchandise handled, particularly goods customarily traded in bulk such as lumber or feed requiring access for the customer to the sales area; primary dependence upon vehicular, as opposed to pedestrian, access such as drive-in facilities and all types of automotive and farm implement service; or the clientele toward which the establishment is primarily orient-

ed, particularly travelers on the highway. (Ord. 386 § 901, 2002)

17.48.020 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in highway commercial districts (HC):

- A. Retail sales of: lumber and other building materials, farm equipment, motor vehicles, marine craft, aircraft, mobilehomes, trailers, farm and garden supplies, fuel and ice;
- B. Wholesale sales of: motor vehicles and automotive equipment; drugs, chemicals and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware, plumbing, heating 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;
- C. Funeral and crematory services;
- D. Farm products warehousing and storage, excluding stockyards;
- E. Refrigerated warehousing;
- F. Food lockers, provided, that any slaughtering, killing, eviscerating, skinning or plucking be done indoors;
- G. Household goods warehousing and storage;
- H. General warehousing and storage;
- I. Automobile repair and services;
- J. Reupholster and furniture repair services;
- K. Contract construction services;
- L. Bus garaging and equipment maintenance;
- M. Motor freight terminals;
- N. Motor freight garaging and equipment maintenance;

- O. Automobile parking;
- P. Libraries, museums, art galleries, planetary, aquariums, historic and monument sites, auditoriums, exhibition halls, penny arcades;
- Q. Miniature golf, gymnasium and athletic clubs, swimming pools, tennis courts, ice skating roller skating and bowling;
- R. Parks;
- S. Amphitheaters, stadiums, drive-in movies, arenas and field houses, race tracks, fairgrounds, amusement parks, golf driving ranges, go-cart tracks, golf courses and country clubs, riding stables, playfields and athletic fields, bowling and swimming pools;
- T. Communication and utility uses;
- U. Drive-in eating and drinking places;
- V. Automobile service stations;
- W. Motels and areas for the parking of motor homes and camping units for periods of time less than five days. (Ord. 386 § 902, 2002)

17.48.030 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in highway commercial district (HC):

Accessory uses normally appurtenant to the permitted principal uses and structures when established in conformance within the space limits of this district. (Ord. 386 § 903, 2002)

17.48.040 Permitted conditional uses.

There shall be no permitted conditional uses permitted in the highway commercial district (HC). (Ord. 386 § 904, 2002)

17.48.050 Prohibited uses and structures.

All other uses and structures which are not specifically permitted or not permissible as permitted conditional uses shall be prohibited from highway commercial district (HC). (Ord. 386 § 905, 2002)

17.48.060 Minimum lot requirements.

The minimum lot area shall be ten thousand (10,000) square feet. The minimum lot width shall be ninety (90) feet. (Ord. 386 § 906, 2002)

17.48.070 Minimum yard requirements.

There shall be a front yard of not less than a depth of forty (40) feet. There shall be a rear yard of not less than a depth of twenty (20) feet Each side yard shall be not less than ten (10) feet. (Ord. 386 § 907, 2002)

17.48.080 Maximum lot coverage.

The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total area. (Ord. 386 § 908, 2002)

17.48.090 Maximum height.

The height of all buildings and structures shall not exceed forty-five (45) feet. (Ord. 386 § 909, 2002)

Chapter 17.52

LIGHT INDUSTRIAL DISTRICT (I-1)

Sections:

- 17.52.010 Intent.**
- 17.52.020 Permitted principal uses and structures.**
- 17.52.030 Permitted accessory uses and structures.**
- 17.52.040 Permitted conditional uses.**
- 17.52.050 Prohibited uses and structures.**
- 17.52.060 Performance standards.**
- 17.52.070 Minimum lot requirements.**
- 17.52.080 Minimum yard requirements.**
- 17.52.090 Maximum lot coverage.**
- 17.52.100 Maximum height.**

17.52.010 Intent.

The intent of light industrial district (I-1) is to provide space for certain commercial and a wide range of industrial uses and structures that are able to meet certain performance standards to protect nearby non-commercial and nonindustrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental affects associated with certain commercial and industrial uses, irrespective of their meeting performance standards. (Ord. 386 § 1001, 2002)

17.52.020 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in light industrial

district

(I-1):

- A. Wholesale, storage and warehouse uses;
- B. On-site and off-site signs;
- C. Agricultural uses;
- D. Automobile service stations;
- E. Any industrial use which can meet the performance standards for this district set forth below, provided, such is not specifically prohibited;

. Race tracks and airports.

(Ord. 386 § 1002, 2002)

17.52.030 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in light industrial district (I-1):

- A. Caretaker and watchmen quarters;
- B. Medical facilities accessory to an industrial use. (Ord. 386 § 1003, 2002)

17.52.040 Permitted conditional uses.

After the provisions of this title relating to permitted conditional uses have been fulfilled, the planning commission may permit as permitted conditional uses in light industrial district (I-1) any use which is consistent with the intent of this district and which is not prohibited. (Ord. 386 § 1004, 2002)

17.52.050 Prohibited uses and structures.

All residential dwellings of any kind, and all other uses which are not specifically permitted, cannot meet the performance standards for industry or are not permissible as permitted conditional uses, shall be prohibited. (Ord. 386 § 1005, 2002)

17.52.060 Performance standards.

To be a permitted industrial use in light industrial district (I-1), whether as a permitted use or as a permitted conditional use, such use must meet the following performance standards:

A. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily waste of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

B. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other city ordinances.

C. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.

D. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

E. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six-tenths grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

F. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classi-

fication of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the milling of grains, shall not normally be considered obnoxious within the meaning of this title.

G. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million. All nitrous fumes shall not exceed one part per million. Measurements shall be taken at the property line of the particular establishment involved.

H. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three-thousandths of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

I. Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they shall be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit. (Ord. 386 § 1006, 2002)

17.52.070 Minimum lot requirements.

The minimum lot area shall be ten thousand (10,000) square feet. The minimum lot width shall be eighty (80) feet. (Ord. 386 § 1007, 2002)

17.52.080 Minimum yard requirements.

There shall be a front yard of not less than a

depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty (20) feet. Each side yard shall be not less than ten (10) feet, provided, that on lots adjacent to a residential district all buildings shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the residential district. (Ord. 386 § 1008, 2002)

17.52.090 Maximum lot coverage.

The maximum lot coverage for all buildings shall be not more than fifty (50) percent of the total lot area. (Ord. 386 § 1009, 2002)

17.52.100 Maximum height.

The height of all buildings and structures shall not exceed seventy-five (75) feet. (Ord. 386 § 1010, 2002)

Chapter 17.56

HEAVY INDUSTRIAL DISTRICT (I-2)

Sections:

- 17.56.010 Intent.**
- 17.56.020 Permitted principal uses and structures.**
- 17.56.030 Permitted accessory uses and structures.**
- 17.56.040 Permitted conditional uses.**
- 17.56.050 Prohibited uses and structures.**
- 17.56.060 Performance standards.**
- 17.56.070 Minimum lot requirements.**
- 17.56.080 Minimum yard requirements.**
- 17.56.090 Maximum lot coverage.**
- 17.56.100 Maximum height.**

17.56.010 Intent.

It is the intent of heavy industrial district (I-2) to provide land for the widest range of industrial operations permitted in the planning jurisdiction area, for those industrial uses that are unable to meet the performance standards designated for light industrial district (I-1) so as to be nuisance-free in operation or construction. (Ord. 386 § 1101, 2002)

17.56.020 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in heavy industrial district (I-2):

A. Any use permitted in the light industrial district (I-1);

B. Any industrial use that can meet the performance standards for this district set forth below, except as herein modified, but which is not prohibited. (Ord. 386 § 1102, 2002)

17.56.030 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in heavy industrial district (I-2):

Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district. (Ord. 386 § 1103, 2002)

17.56.040 Permitted conditional uses.

After the provisions of this title relating to permitted conditional uses have been fulfilled, the planning commission may permit as permitted conditional uses in heavy industrial district (I-2):

A. The storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature when more than one hundred fifty thousand (150,000) gallons are stored on one lot of less than one acre in size or when more than twenty-five thousand (25,000) gallons are stored in one tank;

B. The storage of flammable or noxious gases above or below ground in excess of five million (5,000,000) cubic feet on any one lot of less than one acre or two million (2,000,000) cubic feet in any one tank;

C. Meat and poultry packing, slaughtering, eviscerating and skinning, and the rendering of by-products of slaughtering and killing animals or poultry;

D. Yards for the sale, transfer and temporary holding of livestock. (Ord. 386 § 1104, 2002)

17.56.050 Prohibited uses and structures.

All residential dwellings of any kind and all other uses which are not specifically permitted, cannot meet the performance standards for industry or are not permissible as permitted conditional uses, shall be prohibited. (Ord. 386 § 1105, 2002)

17.56.060 Performance standards.

To be a permitted industrial use in heavy industrial district (I-2), whether as a permitted use or as a permitted conditional use, such uses must meet the following performance standards:

A. Appearance. Junk, salvage, auto wrecking and similar from adjacent properties in another district by means of a sturdy, sight-obscuring fence in good repair, or two rows of alternate planted evergreen or red cedar trees.

B. Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association and city ordinances.

C. Noise. All noises and noise-causing activities shall be muffled so that they will not create a disturbance greater than the normal peak hour traffic noise on a major street when observed from any area residential district. Major street noise for comparison purposes shall be measured at the property line.

D. Sewage and Liquid Waste. No operation shall be carried on which involves the discharge into a sewer, watercourse or the ground, or liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage

plant operation or corrosive and damaging to sewer pipes and installations.

E. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number Two on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number Two shall be permitted for one four-minute period in each one-half hour. Light-colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted. Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit. Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section, there shall be applied the general rules that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

F. Odor. Odor-causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

G. Gases. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide

shall not exceed twenty-five (25) parts per million and nitrous fumes shall not exceed five parts per million. All measurements shall be made at the property line.

H. Vibrations. All machines including punch presses shall minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots. (Ord. 386 § 1106, 2002)

17.56.070 Minimum lot requirements.

The minimum lot area shall be ten thousand (10,000) square feet. The minimum lot width shall be eighty (80) feet. (Ord. 386 § 1107, 2002)

17.56.080 Minimum yard requirements.

There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be rear yard of not less than a depth of twenty (20) feet. Each side yard shall be not less than ten (10) feet, provided, that on lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side and rear yard of twenty-five (25) feet along that portion of the lot adjacent to the residential district. (Ord. 386 § 1108, 2002)

17.56.090 Maximum lot coverage.

The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total lot area. (Ord. 386 § 1109, 2002)

17.56.100 Maximum height.

The height of all buildings and structures shall not exceed seventy-five (75) feet. (Ord. 386 § 1110, 2002)

Chapter 17.68

SUPPLEMENTARY REGULATIONS

Sections:

- 17.68.010 Open space, or off-street parking or loading space.**
- 17.68.020 Yard and lot reduction prohibited.**
- 17.68.030 Public buildings/improvements.**
- 17.68.040 Fences, walls and hedges.**
- 17.68.050 Accessory buildings.**
- 17.68.060 Erection of more than one principal structure on a lot.**
- 17.68.070 Exceptions to height regulations.**
- 17.68.080 Structures to have access.**
- 17.68.090 Parking, storage or use of major recreational equipment.**
- 17.68.100 Structures permitted above height limit.**
- 17.68.110 Double frontage lots.**
- 17.68.120 Other exceptions to yard requirements.**
- 17.68.130 Front yard exceptions.**
- 17.68.140 Access to city streets.**

17.68.010 Open space, or off-street parking or loading space.

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 title, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. (Ord. 386 § 304, 2002)

17.68.020 Yard and lot reduction prohibited.

No yard or lot existing at the time of passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of said ordinance codified in this title shall meet at least the minimum requirements established by this title. (Ord. 386 § 305, 2002)

17.68.030 Public buildings/improvements.

The construction and related improvements of buildings for public purposes shall be allowed in all zoning districts, provided, that all other restrictions concerning building set-backs, health/safety requirements, environmental concerns, and all other regulatory limitations, as set forth in this title and the Uniform Building Code, are met. All adjacent property owners shall be given notice prior to the approval of a building permit. (Ord. 386 § 505, 2002)

17.68.040 Fences, walls and hedges.

A. Regulations regarding fences, walls and hedges shall be as follows:

1. Purpose. The regulation of fences, walls and hedges is intended to protect the public safety and welfare while maintaining the integrity of the community; providing privacy; buffering noise and allowing adequate air, light and vision.

2. Permit Required. Building permits shall be required to construct fences or walls. Permits for residential zones may be issued by the city administrator or his or her designated representative, applicant to be charged a fee for one inspection.

3. Fences, walls and hedges not more than four feet in height may be located on any part of the lot except that a fence or wall may not be more than thirty (30) percent solid or a hedge more than thirty-six (36) inches in height when it is located within thirty (30) feet of street intersection, measuring along property lines and connecting these two points by a straight line.

4. Fences and walls not more than six feet in height may be erected on any part of a lot other than in the required front yard.

5. All fences must be constructed in such a fashion that the outside or front-side of the fence faces the street or the neighbors property.

B. Exceptions.

1. On double frontage and corner lots used residentially, fences, walls or hedges not more than six feet in height may be placed in a required front yard abutting an arterial or collector street where:

a. The required front yard abutting an arterial or collector street is not used as the front yard;

b. The fence or wall is set back a minimum of ten (10) feet from the property line abutting the arterial or collector street;

c. Intersection safety zones are maintained.

2. Fences, walls or hedges not more than six feet in height may be placed in the side-street-side front yard where:

a. The side-street-side front yard abuts an arterial street shown on the major street plan;

b. The side-street-side front yard is not adjacent to a side yard;

c. The fence, wall or hedge is located no closer to the front yard than the rear wall of the main building;

d. No driveway exit on the arterial street.

3. The maximum fence or wall height for golf courses, public swimming pools, school track and field areas, parks, and ball parks shall be eight feet on any portion of the lot. Fences and walls associated with these uses shall not be more than thirty (30) percent solid.

4. The maximum fence or wall height for public tennis courts shall be twelve (12) feet and shall not be more than thirty (30) percent solid on any portion of the lot.

5. In the central business, highway commercial, light industrial and heavy industrial planning commission districts, fences or walls not more than eight feet in height may be located on any part of a lot, except when such lot is adjacent to a residential use. Barbed wire fences may be erected if the bottom strand is seven feet or higher off the ground and constructed in a fashion so that all barbed wire strands angle to the inside of the fence, providing the fence is placed on the lot line. If the fence is placed inside the lot line, the barbed wire strands may angle to the outside of the fence, providing the barb wire strands do not protrude over the lot line.

C. Fences, Walls and Hedges in Residential Districts.

1. No barbed wire fence shall be erected or maintained in a residential district as defined by the planning commission regulations.

2. No cable fence or woven wire fence shall be erected or maintained in a residential district.

3. No fence, wall or hedge shall be erected or maintained in a residential district in such manner as to unreasonably obstruct

the view of others or their access to light or air.

D. Intersection Safety Zone. No monument style sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the right-of-way lines. (Ord. 386 § 1401, 2002)

17.68.050 Accessory buildings.

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building. (Ord. 386 § 1402, 2002)

17.68.060 Erection of more than one principal structure on a lot.

In any planning commission district authorized by this title there shall be erected no more than one structure having a permitted or permissible principal use on each single lot, provided that all yard and other requirements of this title shall be met for the structure. The use of an accessory building for the seasonal sale of fireworks for a period of time not exceeding that authorized by the laws of the state of South Dakota, and the ordinances of the city at locations authorized by the city council shall not constitute a violation of this section. (Ord. 386 § 1403, 2002)

17.68.070 Exceptions to height regulations.

The height limitations contained in this title shall not apply to spires, belfries, cupo-

las, antennas, water tanks, ventilators, domes, chimneys, grain elevators or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 386 § 1404, 2002)

17.68.080 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. (Ord. 386 § 1405, 2002)

17.68.090 Parking, storage or use of major recreational equipment.

For purposes of this title, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designated to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or house-keeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (Ord. 386 § 1406, 2002)

17.68.100 Structures permitted above height limit.

The building height limitations of this title shall be modified as follows:

A. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of the city; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, mental or physical health care facilities, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed. (Ord. 386 § 2501, 2002)

17.68.110 Double frontage lots.

Buildings on through lots and extending through from street to street shall provide the required front yard on both streets. (Ord. 386 § 2502, 2002)

17.68.120 Other exceptions to yard requirements.

Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard and except for the ordinary projections of sills, belt

courses, roof overhang, cornices and ornamental features projecting not to exceed twenty-four (24) inches, and in case of wells, water supply storage systems, septic tanks and disposal systems, including sewage, sanitary, and other, all parts of which shall not be less than thirty (30) feet from the right-of-way. (Ord. 386 § 2503, 2002)

17.68.130 Front yard exceptions.

In areas where some lots are developed with a front yard that is less than the minimum required for the district by this title or where some lots have been developed with a front yard greater than required by this title, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

A. Buildings located entirely on the rear half of a lot shall not be counted.

B. No building shall be required to have a front yard greater than fifty (50) feet.

C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side. (Ord. 386 § 2504, 2002)

17.68.140 Access to city streets.

Access to city streets shall be only as approved by the city council. No driveway or street shall connect to any existing street within thirty (30) feet of an existing intersection, wherever possible connections of new streets to existing streets shall align with existing streets. Connections to city collector streets shall occur at intervals of no less than three hundred fifty (350) feet. The

following streets are considered collector streets:

- A. North Derby Lane;
- B. North Sodrac Drive;
- C. South Derby Lane;
- D. South Sodrac Drive;
- E. River Drive;
- F. North Merrill Avenue;
- G. Streeter Drive;
- H. Westshore Drive;
- I. Northshore Drive;
- J. Highway 105;
- K. Military Road;
- L. Campbell Street

(Ord. 386 § 1410, 2002)

(Amended May 2006)