

CHAPTER 17.104 DEFINITIONS

CHAPTER 17.104 - DEFINITIONS

17.104.1 Purpose

17.104.2 Definitions

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

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

17.104.2 Definitions.

ABUTTING – Contiguous or having a common boundary and shall include property separated by an alley. The term “abutting” implies a closer proximity than the term “adjacent”.

ACCESSORY BUILDING - A customary, secondary, and incidental building or portion thereof, located on the same lot occupied by its principal building, structure, or use, such as a detached garage.

ACCESSORY STRUCTURE – A customary, secondary, and incidental structure or portion thereof, located on the same lot occupied by its principal building, structure, or use.

ACCESSORY USE – A use of a lot that is customary, secondary, and incidental to and located on the same lot occupied by its principal building, structure, or use.

ADJACENT – Not necessarily contiguous or having a common boundary, but within close proximity.

ADULT BOOKSTORE OR VIDEO STORE - A commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

- (1) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, or reproductions or slides, or other visual representations that depict or describe specific sexual activities or specific anatomical areas.
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specific sexual activities.

ADULT ORIENTED BUSINESS - Commercial retail or service businesses including, but not limited to, adult arcades, adult bookstores or video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter studios, or any combination of the aforementioned as defined by SDCL 11-12-1 or as modified herein. All adult oriented businesses shall comply with SDCL 11-12.

AGRICULTURE - The production, keeping, or maintenance, for sale, lease or personal use, of plants and land useful to man, including, but not limited to, forages sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This term shall not include intensive and/or industrial agricultural activities including, but not limited to, concentrated animal feeding operations, slaughterhouses, stockyards, and rendering plants.

ALLEY - An alley is a public right-of-way that is used primarily for vehicular service accesses to the backs or sides of properties which otherwise abuts on the streets.

APARTMENT BUILDING - See (Dwelling, Apartment Complex).

ASSISTED LIVING FACILITY - A licensed health care facility that provides 24-hour supervision of the elderly, individuals with developmental disabilities, and/or individuals with particular medical conditions or needs. Services include rooms, meals, personal care, and supervision of self-administrated medication. They may also provide recreational activities, financial services, and transportation.

AUTHORIZED OFFICIAL - The person, officer, or official and his or her authorized representative(s) designated by the Mayor and City Council to administer this Ordinance.

AUTOMOBILE - See (Motor Vehicle).

AWNING/CANOPY - A roof-like shelter, retractable or permanent, supported entirely from the

exterior wall of a building.

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

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground in such manner as to be permanently affixed to thereto.

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

BUILDING ENVELOPE/BUILDABLE AREA - The area formed by the front, side, and rear building setbacks of a lot in which the principal buildings or other structures shall be located. The building envelope also includes the maximum building height allowed on the lot.

BUILDING, HEIGHT - The vertical distance above the lot's average existing grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest roof, or to the average height of the highest gable of a pitched, hipped, or shed roof.

BUILDING LINE - The perimeter of that portion of a building or structure nearest a lot line but excluding anything specified as such within this Ordinance. See Chapter 17.72.03.

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

CAMPGROUND - A plot of ground for public use upon which two (2) or more campsites are located, established, maintained, advertised, or held out to the public as a place where camping units can be located and occupied as temporary living quarters.

CAR WASH - Any building or portions thereof used for washing motor vehicles.

CEMETARY - Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities, or a combination thereof.

CERTIFICATE OF OCCUPANCY - A statement setting forth that a building or structure complies with all applicable City codes and may be used for the purposes requested.

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

CHANGE OF ZONE - An amendment to the Official Zoning Map.

CLINIC - A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. This term does not include alcoholism and drug rehabilitation facilities.

COLLEGE/ UNIVERSITY - A community college, college, university, and comparable advanced or continuing education facilities. This definition does not apply to schools that do not offer a complete educational curriculum (e.g., beauty school, modeling school). See (School, Commercial/Vocational).

COMMENCED - Work is deemed to have commenced when the designated percentage of the value of the building permit has been expended as follows:

<u>Total Valuation</u>	<u>Required Expenditure</u>
Less Than or Equal to \$100,000	25% of value
Greater than \$100,000	10% of value

The required expenditures shall be verified by written receipts, including labor costs and/or equipment hours.

COMMUNITY GARDEN - Urban agriculture gardening that is a neighborhood-based garden for the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. Sites shall be managed by an individual or groups of individuals that are responsible for maintenance. Said individual or group of individuals shall provide maintenance and management guidelines and/or agreements to the Authorized Official.

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

CONDITIONAL USE PERMIT - A permit issued by the Planning Commission stating that a Conditional Use complies with the conditions and standards set forth in this Ordinance.

CONDOMINIUMS - See (Dwelling, Condominiums).

CONSUMER STORAGE BUILDING – A warehouse structure containing separate storage spaces for household goods, which may be of various sizes, leased or rented on an individual basis.

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

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

CONVENT/MONASTERY - A place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in the same or an affiliated building or structure.

COUNTRY CLUB - A building or area typically used in association with a golf course which includes social (e.g., dining, eating, and banquet facilities) and wellness activities (e.g., tennis courts and swimming pools). Operators of county clubs may also render services customarily carried on as a business, including retailing, full-service restaurants, and on-sale and off-sale alcohol without drive-up windows.

COVENANT OR RESTRICTIVE COVENANT - A legal restriction on use of property or a contract between the seller and the buyer of the land affecting use of the land. These rules are generally over and above any City codes or regulations, as such they are not enforced by the City. See Chapter 17.04.05.

CREMATORY - A building, or portion thereof, containing a furnace for the incineration of corpses.

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

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

DAY CARE CENTER - A facility used only for providing adult or child day care, and is limited in number over twelve (12) by the square footage of usable space available. The ratio is thirty-five (35) square feet per person indoors and fifty (50) square feet per person outdoors. This term shall include child nurseries and preschool facilities.

DAY CARE, FAMILY - Care is provided as an accessory use of a dwelling. The number of persons cared for is limited to a maximum of twelve (12) adults or children. Included in that count are the providers’ own children six (6) years and under. See (Home Occupation).

DISTRICT - A designation shown on the Official Zoning Map as being a district enumerated in Chapters 17.12-17.52, in which a specific set of zoning standards apply.

DRIVEWAY - A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the lot on which it is located.

DWELLING - A building, or portion, thereof, designed and used exclusively for human habitation, including single-family and multiple-family dwellings, but not including travel trailers, recreational vehicles, hotels, inns, motels, boarding and lodging houses, motor lodges, and

manufactured homes. This definition includes prefabricated homes constructed under the *International Residential Code (IRC)*.

DWELLING, APARTMENT - A room or a suite of rooms within an apartment complex or multiple family dwelling arranged, intended, or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit. See (Dwelling Unit).

DWELLING, APARTMENT COMPLEX - A building or buildings containing apartments used as a place of residence for three (3) or more dwelling units.

DWELLING, CONDOMINIUMS - A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

DWELLING, DUPLEX – See (Dwelling, Two Family).

DWELLING, MULTIPLE-FAMILY - A building, buildings, or portion thereof, designed and used for occupancy by three (3) or more families each living independently in dwelling units which may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent as apartments. See (Dwelling, Apartment Complex) and (Dwelling, Condominiums).

DWELLING, SINGLE-FAMILY ATTACHED - Two (2) or more dwelling units in a single structure or attached structures, each of which could have a single lot, which are separated from each other by a dividing wall. Such units may be side-by-side, back-to-back, or both. See (Dwelling, Townhouse) and/or (Dwelling, Two Family).

DWELLING, SINGLE-FAMILY DETACHED - A dwelling which is designed for and occupied by one (1) family and is surrounded by yards and is not attached to any other dwelling by any means.

DWELLING, TOWNHOUSE - A single-family dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical party wall(s).

DWELLING, TWO FAMILY - A building designed and arranged to be occupied by two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING UNIT - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one (1) family.

EARTHEN BERM - A natural or made-made mound of earth that is equal to or in excess of thirty (30) inches in vertical height used to shield or buffer properties from adjoining uses, streets, highways, or to control the direction of surface water flows.

EASEMENT - A right granted to another person or persons for the use of land for a limited purpose.

EAVE - The edge of the roof that overhangs the exterior walls, sometimes with exposed rafters.

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

EXTRACTION - The business enterprise of excavation and removal of stone, sand, gravel, soil, or similar earthen materials from a site, whether the intent is to increase the utility and values of the site or to use the materials for landfilling on another site.

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

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

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

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

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

FUNERAL HOME/MORTUARY - An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

GARAGE, PRIVATE – An attached or detached building or portion thereof used for the storage of personal property including motor vehicles owned or leased by the occupants of the lot's principal building(s). For a detached garage, see (Accessory Building).

GASOLINE DISPENSING STATION - Any building, or portion thereof, which provides for the retail sale of gasoline or oil. No automobile repair work or sale of auto accessories or testing may be done. Gasoline pumps and islands shall be located more than twelve (12) feet from the nearest lot line.

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

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

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

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

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

GROUP HOME – A temporary residential living arrangement for persons living in an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present.

HARDSHIP - A hardship exists if the property owner was forced to comply with the provisions of an ordinance, and he or she would be unable to make “reasonable” use of the property. The hardship must result from the unique physical characteristics of the property, rather than the personal circumstances of the owner or user. In order to qualify as a hardship, the property shall be deemed unusable without granting a variance.

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

HOME OCCUPATION - A business, profession, occupation, or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is customary, secondary, and incidental to the use of such building for dwelling purposes and which does not change the essential residential character of such building. See (Accessory Use).

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities. This term does not include alcoholism and drug rehabilitation facilities.

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

HOUSE OF WORSHIP - A structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, architecture, or other features.

IMPERVIOUS SURFACE - An area or material that does not allow significant amounts of water to infiltrate into the ground. Examples of impervious surfaces are blacktop and concrete.

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

KENNEL - Any building, lot, or portion thereof, on which five (5) or more domesticated animals more than six (6) months of age are housed, bred, boarded, trained, or sold.

LANDFILL - An area of land or an excavation in which wastes are placed for permanent disposal. This term does not include clean debris, e.g., dirt, trees, rocks, etc.

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

LIGHT MANUFACTURING - Manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat, or glare. They are generally characterized as having all aspects of the process carried on within the building itself.

LIMITED PRODUCTION PROCESSING - Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or on adjacent property. Limited production/processing generally does not include industrial processing from raw materials.

LOADING SPACE - An unobstructed, dust-free, hard-surfaced area no part of which is located in any street right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

LOT - A parcel or tract of land with boundaries established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title. This definition shall not be construed to make lots that were not lawfully created conform to this code.

LOT AREA - The area of the lot within the lot lines.

LOT, CORNER - A lot located at the junction of at least (2) streets at which the angle of intersection is no greater than one hundred-thirty five (135) degrees.

LOT COVERAGE - The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot, including any decks, porches, or other enclosed areas used by residents having both a floor and walls or railings irrespective of its distance above the ground.

LOT, DOUBLE FRONTAGE - A lot, other than a corner lot, having frontage on two (2) streets.

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

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

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

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

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

LOT, LITTORAL – A lot that abuts to the shore of a lake on one (1) or more sides.

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

LOT, TRIPLE FRONTAGE – A lot which abuts a street on three sides (not a corner lot).

LOT WIDTH - The distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the street right-of-way line.

MANUFACTURED HOME – A factory-built single family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974 and is to be used exclusively as a place for human habitation, but which is not constructed with permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. This definition does not include prefabricated homes constructed under the *International Residential Code (IRC)*. See (Modular Home).

MANUFACTURED HOME PARK, LICENSED - A contiguous parcel of land operated as a unit, under the same ownership where six (6) or more lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the City of North Sioux City.

MANUFACTURED HOME SALES - A business engaged in the sales or rental of manufactured homes.

MAP, OFFICIAL ZONING - The map or maps, which are legally adopted as a part of the zoning ordinance, that delineate the boundaries of the zoning districts, show the location and size of public rights-of-way, public waterways, and the city limit lines.

MEETING HALL – A building, or portion thereof, owned or operated by a person, group of persons, association, corporation, or other legal entity designed for temporary social, educational, or indoor recreational uses.

MOBILE HOME – A structure that is similar in appearance to a Manufactured Home but was constructed prior to June 15, 1976.

MODULAR HOME – A factory-built single family structure certified as meeting the standards prescribed by the *International Residential Code* (IRC). Modular homes are subject to the same regulations as site-built homes. See (Dwelling, Single-Family Detached).

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

MOTOR VEHICLE, COMMERCIAL - Any motor vehicle which has more than sixteen (16) square feet of signage or which is adapted, designed, equipped, and/or used to regularly perform a specific commercial function.

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

MOTOR VEHICLE PARKING LOT – An open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored.

MOTOR VEHICLE BODY SHOP - Any building, or portion thereof, involving the repair and/or painting of motor vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

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

MOTOR VEHICLE SERVICE STATION - Any building, or portion thereof, which provides for the retail sale of gasoline, oil, tires, batteries and accessories for motor vehicles and/or for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Motor vehicle repair work may be done at a motor vehicle service station provided that no rebuilding of engines, welding, spray painting, or body work, or framework is conducted. Gasoline

pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest lot line.

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

NONCONFORMING - A condition that occurs when, on the effective date of adoption of this Ordinance or a previous ordinance, or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, parking, landscaping, buffering, lighting, development, use, or site improvement does not conform to one (1) or more of the regulations currently applicable to the district in which such lot, structure, building, sign, parking, landscaping, buffering, lighting, use, or site improvement is located.

NONCONFORMING STRUCTURE - A building, structure, or portion thereof lawfully existing at the time this Ordinance or a subsequent amendment thereto became effective which does not conform to the dimensional requirements of the district in which it is located.

NONCONFORMING USE - A use of land, buildings, structures, or premises that lawfully existed at the time this Ordinance or a subsequent amendment thereto became effective which does not conform to the use requirements of the district in which it is located.

NONSTANDARD LOT - The category of nonconformance consisting of lots that lawfully existed at the time this Ordinance or a subsequent amendment thereto became effective which fail to comply with the minimum lot area and minimum lot width requirements of the district in which it is located.

NURSING HOME - An establishment which provides full time convalescent or chronic care, or both, for two (2) or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment. This term does not include a hospital or clinic.

OFFICE - A building, or portion thereof, designed for or used for the provision of professional, outpatient medical, or financial services. This term includes, but is not limited to, accounting, auditing, and bookkeeping services; advertising and graphic design; architectural, engineering, and surveying services; attorneys and court reporters; call centers; computer programming; corporate headquarters; data processing and word processing services; detective agencies; insurance; interior design; real estate sales; research and development that does not include on-site manufacturing; retail catalog, internet, and telephone order processing, but not warehousing; and virtual office services.

OFFICIAL ZONING MAP - The map showing the location and boundaries of districts established by this Ordinance.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles used for commercial or construction activities (e.g., portable or mechanized equipment,

building materials, manufacturing inputs, or merchandise) is stored for a period of forty-eight (48) or more consecutive hours.

OVERLAY DISTRICT - A zone which is overlaid upon a primary zone for the purpose of adding to the primary zone a specific regulation or regulations to meet specific locational needs not generally prevalent within the City.

OWNER - The holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years, and the like. Whenever a statement identifying and/or requiring the consent of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.

PARCEL OF LAND - One (1) or more lots which are designated by the owner or applicant as land to be used or developed as a unit, or which has been developed as a unit.

PARK - An area open to the general public and reserved for recreational, educational, or scenic purposes.

PARKING LOT - An area designated for off-street parking.

PARKING, OFF-STREET - A site or a portion of a lot, devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing access to a public street.

PARKING SPACE - A hard-surfaced area, enclosed or unenclosed, sufficient in size to park one (1) motor vehicle. A parking space must be provided an unobstructed means of access, and all spaces shall meet the minimum criteria as prescribed by City Ordinance.

PARTY WALL - A common shared wall between two (2) separate structures, buildings, or dwelling units.

PERMANENT FOUNDATION - A continuous foundation around the perimeter of a structure, which, at bottom, extends no less than forty-eight (48) inches below the surface of the ground.

PERSONAL SERVICE BUSINESS – Commercial establishment primarily engaged in providing services involving the care of a person or their apparel, including, but not limited to, laundry or dry cleaning, receiving station, garment services, coin-operated laundries, photographic and art studios, beauty shops, barber shops, shoe repair, reducing salons, fitness gyms, and health clubs, and clothing rental.

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

PRESCHOOL FACILITIES - See (Day Care Center).

PRINCIPAL BUILDING - A building in which a primary or predominant use of the lot is conducted.

PRINCIPAL BUSINESS PURPOSE - In relation to the definition of “Adult Bookstore or Video Store”, this shall mean an establishment having more than five percent (5%) of its stock and trade, books, magazines, periodicals, recordings, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined by State law, or an establishment with a segment or section specifically devoted to the sale or display of such materials.

PRINCIPAL USE - The primary or predominant use of any lot, including all buildings fundamental or essential thereto.

PRIVATE AGREEMENTS – Restrictive covenants, conditions, restrictions, easements, and other like arrangements between property owners, whether recorded in the public records or not, to which the City is not a direct party or third party with a right of enforcement.

PROHIBITED USE - A use that is not allowed in the specified district and in some cases the entire City.

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

PROPERTY/PROPERTIES - See (Lot).

PROPERTY LINE - See (Lot Line).

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

PUBLIC UTILITY FACILITIES - Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; treatment stations; lift stations; telephone exchanges and repeaters; and all other facilities and equipment necessary for conducting a utility service by either a governmental, semi-public, or private entity.

RECREATIONAL FACILITY - A facility open to the public, with or without fees, which is designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, including, but not limited to, swimming pools; putting greens; volleyball, tennis, and basketball courts; batting, pitching, soccer, and golf cages and nets; hockey and ice rinks; skate board ramps; trampolines; archery and gun ranges; and portable flooring for aerobics, dance, and weight lifting.

RECREATIONAL VEHICLE (RV) PARK - See (Campground).

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

RECYCLING COLLECTION FACILITY – A facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastics, tires, grass, leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

RECYCLING PROCESSING FACILITY – A building or site that is used for the processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning.

REPAIR SHOP - Repair shop means a structure where activities may include welding, stitching, or other work intended to restore an item to working condition.

RESIDENCE - A permanent dwelling place.

RETAIL SERVICE OR TRADE BUSINESS – Commercial establishment engaged in selling products, goods, or merchandise to the general public for personal or household consumption and establishments engaged in providing services or entertainment to the general public including, but not limited to, restaurants, arcades, repair shops, grocery stores, and sporting goods stores.

RESTAURANT - An establishment where food and drink is prepared, served, and may be consumed on the premises.

REZONE - See (Change of Zone).

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

SCHOOL - Any building or portion thereof, whether public or private, which is designed, constructed, or used for education or instruction in any branch of knowledge.

SCHOOL, COMMERCIAL/VOCATIONAL - An educational establishment that provides for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

SCHOOL, ELEMENTARY - Any school that is licensed by the State of South Dakota and meets its requirements for elementary education.

SCHOOL, MIDDLE OR HIGH - Any building or portion thereof, whether public or private, which is designed, constructed, and licensed by the State of South Dakota for middle or junior high school grades and/or secondary (high school) education.

SETBACK/SETBACK LINE - The line that is the required minimum distance from any lot line to a building, structure, or use.

SIGN - Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN, PORTABLE - A sign used for temporary advertising which is on wheels and portable.

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

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

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

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

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

SITE OF HISTORICAL/CULTURAL SIGNIFICANCE - A building, structure, or lot that is either (1) associated with events that have made a significant contribution to our history; (2) associated with the lives of significant persons; (3) emblematic of distinctive characteristics of a type, period, or method of architecture or artistry; or (4) has yielded, or may be likely to yield, information important in prehistory or history.

SITE PLAN - A plan or drawing showing the location of buildings, structures, parking, or other elements that are used for the issuing of permits. The drawings shall show sufficient detail to enable the Authorized Official to determine whether all applicable requirements of this Ordinance have been met.

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

STABLE – Any lot or portion thereof where horses or any equine animal are maintained, boarded, bred, trained, or cared for in return for remuneration, or are kept for the purpose of sale.

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

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

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

STREET, COLLECTOR - A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development. Current and future collector streets are designated as such on the Major Street Plan in the City's Comprehensive Plan.

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

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

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

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

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

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

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

TEMPORARY USE - A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

TRAVEL TRAILER - Means any of the following:

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

TRUCK AND FREIGHT TERMINAL - An area and/or building(s) where trucks and cargo are stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of motor vehicles is performed.

VACATION RENTAL BY OWNER (VRBO) – Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (14) days in a calendar year and is not occupied by an owner or manager during the time of rental. See SDCL 34-18-1(17). If it is or is intended to be rented or leased by its owner(s) to the public for more than or equal to one hundred eighty-three (183) days per calendar year, it shall be classified as a principal use. If it is or is intended to be rented or leased by its owner(s) to the public for less than one hundred-eighty three (183) days per calendar year and is the principal dwelling of its owner(s), it shall be an accessory use.

VARIANCE - The authorization, following a hearing, for a lot owner to depart from certain requirements of a zoning ordinance when it is determined that the strict enforcement of its provisions would result in unnecessary hardship.

VETERINARY CLINIC, LARGE ANIMAL - An animal hospital or clinic that provides services for household pets (e.g., dogs, cats, birds), horses, and livestock. This term does not include medical care for wild animals.

VETERINARY CLINIC, SMALL ANIMAL - An animal hospital or clinic that provides services for household pets (e.g., dogs, cats, birds). This term does not include medical care for wild animals, horses, or livestock.

WAREHOUSE - A building where goods are received from heavy trucks and then stored for subsequent delivery to off-site wholesalers, retailers, or consumers.

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

WASTE TRANSFER STATION – The use of land or a facility, regardless of name or title, to unload solid waste from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently reload the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing.

WHOLESALE MERCHANDISE SALES AND STORAGE HOUSES - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY CONVERSION SYSTEM (WECS). Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.

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

XERISCAPING - Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

YARD, FRONT - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

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

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

YARD LINE - See (Building Line).

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

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

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

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

ZONING DISTRICT - See (District).

ZONING MAP - See (Official Zoning Map).