

**ARTICLE I
GENERAL PROVISIONS**

CHAPTER 1.01 TITLE AND APPLICATION.

Section 1.01.01 Title

This ordinance shall be known and referred to as "The Zoning Ordinance of the City of Volga, South Dakota."

Section 1.01.02 Jurisdiction.

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

Section 1.01.03 Purpose and Intent.

This zoning ordinance is enacted for the purpose set forth and provided for in South Dakota Compiled Laws and Amendments, Chapters 11-4 and 11-6, that is, among other things to promote health, safety, morals, and general welfare of the community.

This ordinance has been prepared in accordance with the Comprehensive Land Use Plan for the City and is designed to coordinate physical development of the community with needs for public services and facilities. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To foster a harmonious, convenient, workable relationship among land uses.
2. To promote the stability of existing land uses that conform with the Comprehensive Land Use Plan and to protect them from inharmonious influences and harmful intrusions.
3. To insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the community as a whole.
4. To prevent excessive population densities and overcrowding of the land with structures.
5. To protect and enhance real estate values.
6. To safeguard and enhance the appearance of the community, including natural amenities.
7. To place the power and responsibility of the use of land in the hands of the property owner contingent upon the compatibility of surrounding uses and the comprehensive land use plan.
8. To facilitate the adequate provision of transportation, water and sewerage, schools, parks, and other public requirements.

9. To regulate and restrict the height, number of stories, and bulk of building and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; and the location and use of other purposes.
10. To regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of building, structures, and land.

CHAPTER 1.02 ORDINANCE PROVISIONS

1.02.01 Provisions of Ordinance Declared to Be Minimum Requirements.

Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 1.02.02. Violations/Penalties for Violation.

1. Violations of the ordinance shall be treated in the manner specified below.
 - A. Any person who starts work for which a permit (building, conditional use, variance, rezoning) is required by this zoning ordinance, without first securing such permit and paying the prescribed fee, shall be charged according to the provisions of this section. All administrative fees assessed there under shall be rounded to the nearest whole dollar.
 - i. Upon finding such violation, the Administrative Official shall notify the owner of property involved verbally or by sending a written notification of the requirement that a permit be obtained to the owner of the property involved by certified mail with return receipt requested. If application for said permit is filed within seven (7) working days from the verbal notification or date of receipt of the letter, an administrative fee shall be assessed in the amount of one hundred percent (100%) of the fee for the Building/Use Permit plus the cost of the postage for mailing the aforementioned notice. In no case shall this administrative fee be less than five dollars (\$5.00), including the postage costs.
 - ii. If application for said permit is filed after the deadline of seven (7) working days following the verbal notice or receipt of the notification of the requirement therefore, there shall be imposed an administrative fee in the amount of two (2) times the normal fee for the associated Building/Use Permit, conditional use permit, variance, and/or rezoning plus the cost of the postage for mailing the aforementioned notice. The payment of the administrative fee shall not relieve such person from the provisions of paragraph (b) below.
 - iii. Any administrative fee or penalty imposed under the provisions of this zoning ordinance shall be in addition to any other fees or charges required under this zoning ordinance.

- B. It is declared unlawful for any the owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist to violate any of the terms and provisions of these regulations or other official control adopted by the City Council pursuant thereto. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this zoning ordinance may be subject to a civil or criminal penalty. The penalty for violation of this zoning ordinance shall be five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both, and in addition the violator shall pay all costs and expenses involved in the case. Each and every day that such violation continues after notification may constitute a separate offense. All fines for violation shall be paid to the Finance Officer and shall be credited to the General Fund of the City.
- C. In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building or structure or land is used in violation of this ordinance or other regulation, the Administrative Official, or the City of Volga, as a corporation or any interested person, in addition to other remedies, may institute injunction, mandamus or any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building or land or to prevent any illegal act, conduct, business, or use in and to and of such premises.
- D. Any taxpayer of the City may institute mandamus proceedings in Circuit Court to compel specific performance by the proper official or officials of any duty required by these regulations.

Section 1.02.03 Separability Clause.

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

Section 1.02.04 Repeal of Conflicting Ordinances.

This ordinance is intended to replace and repeal Ordinance Number 234 and all amendments thereto. All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance including but not limited conflicting provisions of Ordinance 95, Ordinance 1990-05 and Ordinance 1996-01 are hereby declared repealed.

Section 1.02.05 Effective Date.

These regulations shall be in full force and effect from and after their passage, approval, publication, and effective date of the Zoning Ordinance of the City of Volga, South Dakota, as provided for by South Dakota law.

CHAPTER 1.03. OFFICIAL ZONING MAP.

Section 1.03.01 Official Zoning Map.

The City is hereby divided into zones, or 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 of the City attested by the Finance Officer under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 1.03.01 of Ordinance Number 2015-01 of the City of Volga, State of South Dakota," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and Chapter 11-4, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall not become effective until after said changes have been made on the Official Zoning Map by the Finance Officer or in his/her absence a person designated by the City Council. Any unauthorized change by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article I, Section 1.02.02.

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 City Offices, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City of Volga.

Section 1.03.02. Rules Where Map Designation Uncertain.

Where uncertainty exists with respect to the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. The district boundaries are either streets or alleys, highways, rights-of-way, railroad rights-of-way, waterways, lot lines, property lines, quarter section lines, half section lines, or full section lines, unless otherwise shown.
2. Where the designation on the Official Zoning Map indicates the various districts are approximately bounded by lot lines, the lot lines shall be the boundaries of such districts unless boundaries are otherwise indicated on the map.
3. In subdivided property, the zoning district boundary line on the Official Zoning Map may be determined by use of the scale contained on the map.

Section 1.03.03 Annexation.

Subsequent of the effective date of these regulations, any land annexed into the municipal boundaries of the City of Volga shall be automatically placed into the "A" Agricultural zoning district, unless and until such time as the area is rezoned by amendment of these regulations by ordinance, as provided for in Article III, Section 3.04.07 of these regulations.

Section 1.03.04 Changes and/or Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, or lost, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

In the event that the Official Zoning Map becomes 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 corrections 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 Municipal 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 the Zoning Ordinance of the City of Volga, State of 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.

Changes to the Official Zoning Map shall require amendment of this regulation by ordinance, as provided for in Article III, Section 3.05.06 of these regulations.

ARTICLE II DISTRICT REGULATIONS

CHAPTER 2.01 APPLICATION OF DISTRICT REGULATIONS

Section 2.01.01 Applicability of Regulations.

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

Section 2.01.02 Compliance; Generally.

No building, or any part thereof shall hereafter be used or occupied, and no building or any part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved or used, and no premises shall be used for any purpose other than a purpose permitted in the Zoning District in which said building or premise is located, except as hereinafter provided.

Section 2.01.03 Structures & Lots; Construction or Alteration; Limitations of.

1. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height or bulk;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area;
 - D. 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.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or are 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.

CHAPTER 2.02 NON-CONFORMING USES

Section 2.02.01 Intent.

Within the zoning districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and 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 amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of structure and land in combination 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 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 2.02.02 Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming 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 2.02.03 Uses and Structures.

A lawful use or structure existing at the time this ordinance is adopted or amended may continue even though such use does not conform to the district regulations subject to the following provisions:

1. Whenever, a nonconforming use or structure has been changed to a conforming use, it shall not be changed back to a nonconforming use.
2. If any nonconforming building is destroyed or damaged by any casualty, such building may be repaired or replaced and use continued providing said reconstruction shall not add to the non-conformity or add to the cubic contents of said building as the same existed at the time of such casualty; and provided further that such repair or reconstruction of such building shall begin within six (6) months after such casualty and completed within a reasonable time thereafter. However, if the damage caused by such casualty is such as to cause a loss in value exceeding fifty (50) percent of the replacement value immediately prior to such casualty then it cannot be rebuilt for a non-conforming use. The loss in value shall be computed as

the difference between the actual cash value of the structure immediately before and after the casualty. Cash value shall be the same as that used for insurance purposes as approved by the State of South Dakota Insurance Code.

3. When a nonconforming use or structure is discontinued for a period of one (1) year, it shall not be continued unless in conformance with the requirements of this ordinance and SDCL 11-6-39.
4. Any nonconforming use may be extended throughout any part of a structure, which was arranged or designed for such use previous to the adoption of this ordinance, but shall not be extended outside each structure.
5. No existing nonconforming use or structure shall be enlarged, moved, or structurally altered except to change to a permitted use. This is not to include normal repairs and maintenance, which do not enlarge, move or structurally alter a nonconforming use.
6. Type I and Type II Manufactured Homes located upon any lot or lots of record at the time of the adoption of this Ordinance may be replaced by Type I and/or Type II Manufactured Homes of like dimensions and said replacement shall not be deemed to have changed the use thereof from a nonconforming to a conforming use. If a replacement Type I and/or Type II Manufactured Home is of larger dimension than the existing Type I and/or Type II Manufactured Home, then application must first be made to the City Board of Adjustment for conditional use permit.
7. Nonstandard uses existing immediately prior to the effective date of this ordinance may be continued, although such uses do not conform to the provisions hereof. Nonstandard buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:
 - A. Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.
 - B. Structural alteration of buildings or structures may otherwise be made if such changes do not further encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located. Exception: The Board of Adjustment may allow buildings with side yard setbacks less than required herein to have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building and the addition shall further conform to all ordinance requirements.
 - C. Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.
8. Nothing contained in this section shall be so construed as to abridge or curtail the powers of the City Planning Commission/Board of Adjustment as set forth elsewhere in this Ordinance.

Section 2.02.04. Uses Under Conditional Use Provisions Not Non-Conforming Uses.

Any use which is permitted as a conditional use in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a nonconforming 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.

Section 2.02.05 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 after the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such a lot fails to meet the requirements of 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 of the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two (2) 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 all or part of the lots do not meet the requirements established for lot width and area, the land 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 with width or area below the requirements in this ordinance.

CHAPTER 2.03 DISTRICT REGULATIONS

Section 2.03.01 Generally.

The district regulations included in this Chapter may be qualified or supplemented by additional regulations appearing elsewhere in this ordinance.

Any use or uses not expressly permitted in a particular district shall be prohibited, unless such uses are existing at the effective date of these regulations and qualify as nonconforming uses, or unless a Conditional Use Permit is granted as provided for in Chapter 3.05, Section 3.05.02 of these regulations. Deviation from zoning district lot, yard and related requirements, and deviation from these zoning regulations, shall be prohibited, unless a Variance is granted as provided for in Chapter 3.05, Section 3.05.04 of these regulations. Additional requirements and standards for uses and structures permitted by Conditional Use Permit may be established by the Board of Adjustment as conditions to said Conditional Use Permit.

Section 2.03.02. Zoning Districts.

The following zone and use districts are hereby established for the purposes of administration and enforcement of this Ordinance.

- A Agricultural District
- R-1 Single Family Residential District
- R-2 Multiple Family Residential District
- R-3 Manufactured Homes Residential District
- C-1 General Commercial District
- C-2 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

The following districts shall be designated as zoning overlay districts, imposing special regulations on the properties that fall within these overlay districts without abrogating the requirements imposed by the underlying land use district regulations:

- CB Central Business Overlay District
- FP Floodplain Protection District

CHAPTER 2.04 “A” - AGRICULTURAL DISTRICT

Section 2.04.01. Intent.

The intent of the “A” Agricultural District is to protect agricultural land and uses from incompatible land uses and to prevent premature urban development of certain lands which eventually may be appropriate for urban uses, until the installation of drainage works, streets, utilities and community facilities and until objective projections of appropriate land uses are possible.

Section 2.04.02. Permitted Uses.

The following uses and structures shall be permitted in the “A” Agricultural District:

1. Any form of agriculture activity and related farm buildings, but excluding feed lots and sales or auction barns;
2. Site-built single-family dwellings;
3. Modular homes;
4. Type I manufactured homes;
5. Public parks and recreation areas;
6. On-premise sign.

Section 2.04.03 Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “A” Agricultural District:

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

Section 2.04.04 Conditional Uses:

The following uses may be permitted, as a conditional use in the “A” Agricultural District by the Board of 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. Airports;
2. Commercial or private recreation areas such as golf courses, campgrounds, drive in theaters, riding stables, race tracks, swimming pools, etc.;
3. Private clubs;

4. Stables;
5. Type II Manufactured home;
6. Type I Manufactured home without permanent foundation;
7. Public buildings or facilities erected or established and operated by any governmental agency;
8. Telecommunication facilities;
9. Home occupations (See Chapter 4.21);
10. Utility Substations
11. Commercial Nurseries and greenhouses.
12. Veterinary clinics and animal hospitals;
13. Cemeteries;
14. Horticulture services;
15. Railroad and public utilities facilities;
16. Kennel;
17. Extraction of sand, gravel, minerals and petroleum or natural gas;

Section 2.04.05. Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the "A" Agricultural District.

Section 2.04.06. Area/Construction Regulations.

Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.04.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height
Single Family Residential	43,560 square feet	150'	35'
Towers or Steeples	To be determined by the Board of Adjustment		75'
Principal building associated with a tower or steeple			45'
Other Conditional Uses	To be determined by the Board of Adjustment		

Table 2.04.06.2

	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Permitted Uses	75'	50'	30'
Conditional Uses	To be determined by the Board of Adjustment		

SECTION 2.05 “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

Section 2.05.01. Intent

The intent of the “R-1” Single Family Residential District is to provide locations for low-density site-built, single-family residential dwellings. Other types of single family residential dwellings and compatible uses may be permitted based upon complying with site review and adjacent landowner concerns.

Section 2.05.02. Principal Permitted Uses

1. Site built single-family dwellings;
2. Modular Homes;
3. Public park and recreation areas.

Section 2.05.03. Permitted Accessory Uses

1. Accessory uses and structures customarily incidental to permitted uses.

Section 2.05.04. Conditional Uses.

The following uses may be permitted as a Conditional Use in the “R-1” Single Family Residential District by the Board of 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. Lodging/boarding houses or bed and breakfast establishments;
2. Utility substations;
3. Home occupations (See Chapter 4.21);
4. Public buildings or facilities erected or established and operated by any governmental agency.

Section 2.05.05. Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the “R-1” Single Family Residential District.”

Section. 2.05.06. Area/Construction Regulations.

Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables and figures:

Table 2.05.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Single Family Residence	9,000 square feet	75'	35'	30%
Conditional Uses	To be determined by the Board of Adjustment			

**Maximum height for steeples and towers shall be seventy-five (75) feet*

Figure 2.05.06.1

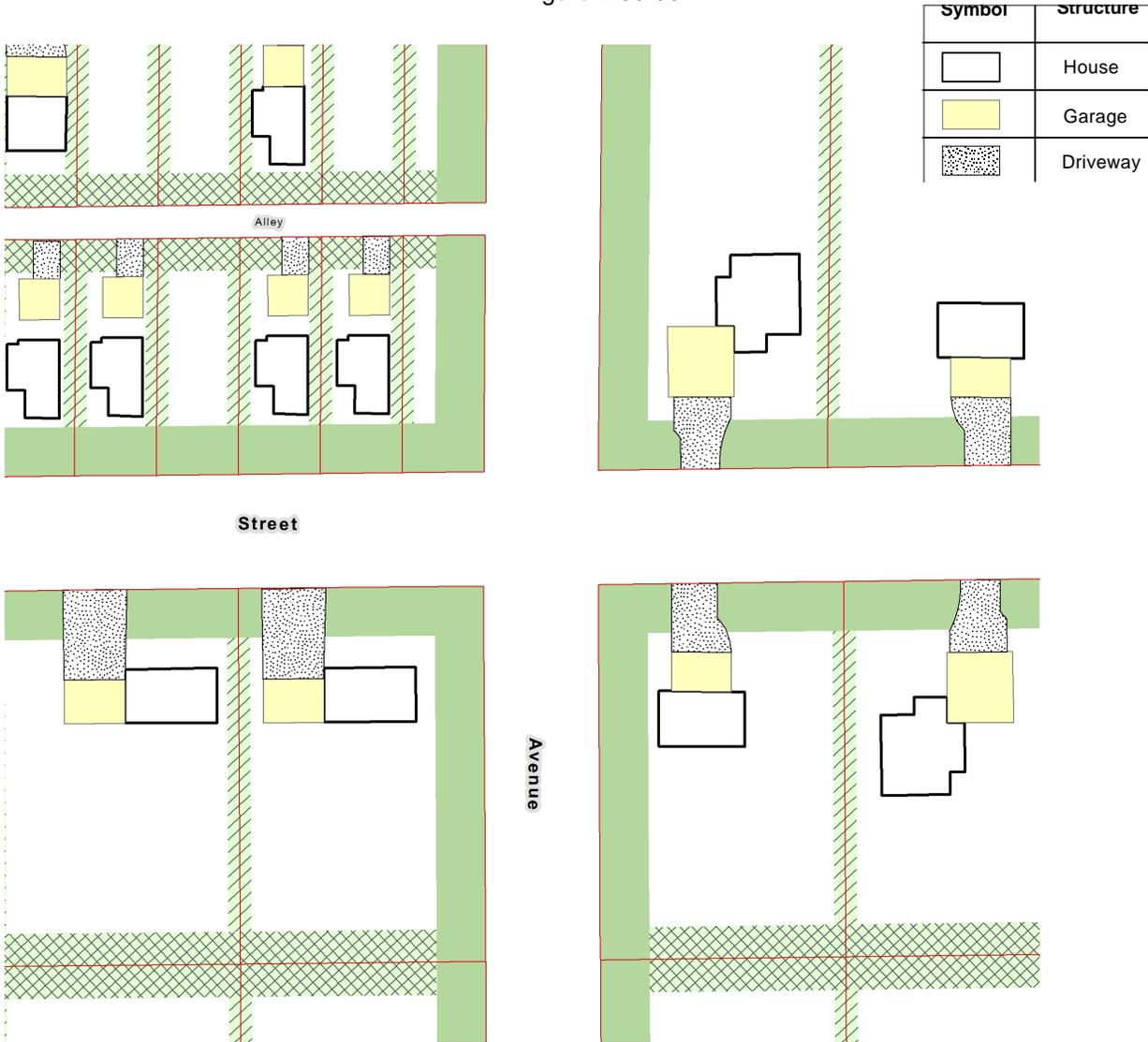


Table 2.05.06.2

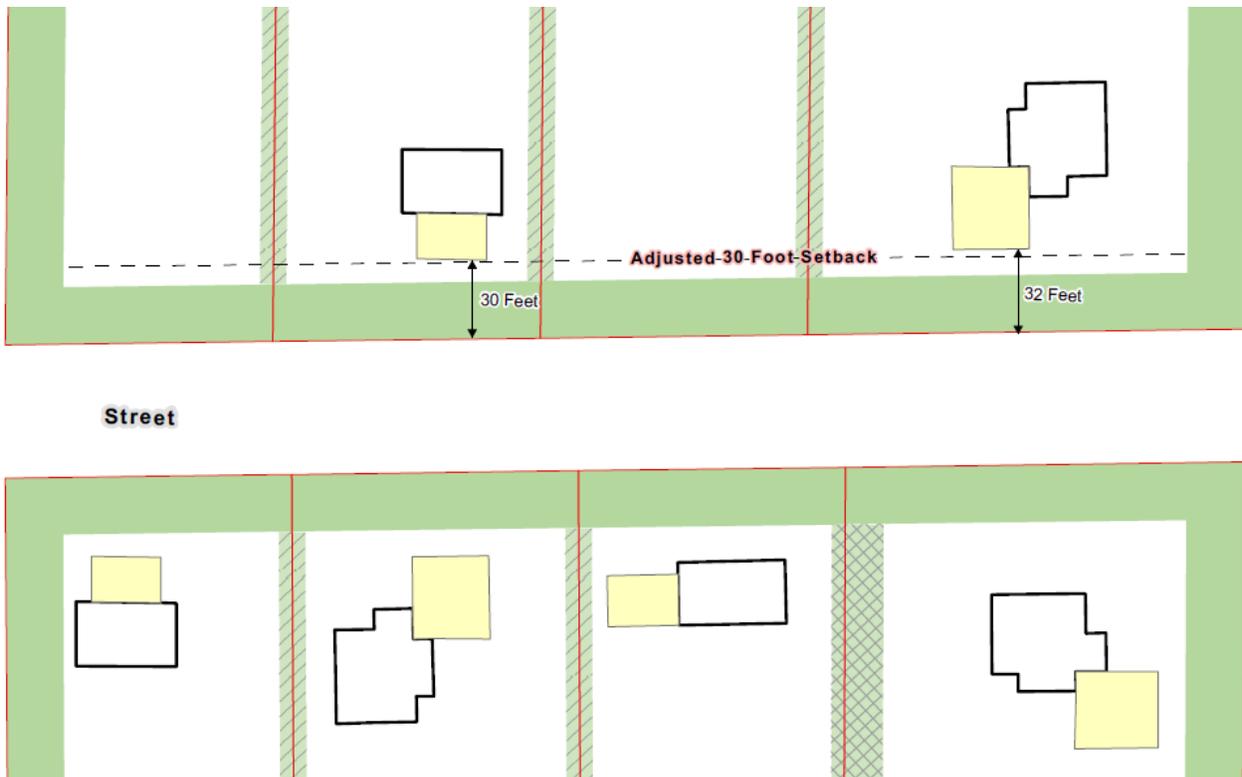
	Minimum Front Yard*	Minimum Rear Yard	Minimum Side Yard
SYMBOL			
Permitted Uses	25'	15'	8'
Conditional Uses	To be determined by the Board of Adjustment		

*See Section 2.05.07 and 2.05.08

Section 2.05.07. Increase to Minimum Front Yard Requirement

The Zoning Officer shall require an increased minimum front yard depth where forty (40%) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings and all the buildings between these two intersection streets have observed with a variation of five (5') feet or less, a front yard greater in depth than described in Table 2.05.06.2, so that new buildings shall not be erected closer to the streets than the average front yard so established by the existing buildings. See Figure 2.05.07.1

Figure 2.05.07.1



CHAPTER 2.06 “R-2” MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 2.06.01 Intent:

The intent of the “R-2” Multiple Family Residential District is to provide a stable environment for the development of single-family, two-family and multiple-family dwelling units free from incompatible land uses.

Section 2.06.02 Permitted Uses:

The following uses and structures shall be permitted in the “R-2” Multiple Family Residential District:

1. Site-built single-family dwellings;
2. Twin homes;
3. Modular homes;
4. Public park and recreation areas.

Section 2.06.03. Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “R” Residential District:

1. Accessory uses and structures customarily incidental to permitted uses, except stables;

Section 2.06.04 Conditional Use:

The following uses may be permitted as a conditional use in the “R-2” Residential District by the Board of Adjustment, subject to such requirements as Board deems necessary to protect adjacent property, prevent objectionable or offensive conditions and promote the health, safety and general welfare.

1. Type I manufactured homes
2. Multiple-family dwellings;
3. Bed and breakfast establishments;
4. Public and private schools;
5. Home occupations (See Chapter 4.21);
6. 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;

7. Commercial or private storage buildings used exclusively for storage and not for performance of any other services
8. Registered or licensed day care homes caring for children, provided that such facilities shall provide not less than twenty-five (25) square feet of floor area not including halls or bathrooms and adequate outdoor recreation space for each child. In addition, such facilities shall supply adequate off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards;
9. In-home nursing or convalescent homes with up to four (4) additional residents other than immediate family;
10. Religious Institutions, public libraries, museums, and schools;
11. Public utilities and governmental buildings, including substations, regulator substations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses;
12. Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements;
13. Group home;
14. Licensed day care centers;
15. Public buildings or facilities established and operated by any governmental agency;

Section 2.06.05. Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the "R-2" Multiple Family Residential District.

Section. 2.06.06. Area/Construction Regulations.

Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.06.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Single Family Residential	6,500 square feet	50'	35'	35%
Two Dwelling Units	3,000 square feet/dwelling unit	50'	35'	40%
Three - Four Dwelling Units	2,500 square feet/dwelling unit	50'	35'	40%
Assisted Living, Nursing and Rest Homes, etc.	2,000 square feet/dwelling unit	60'	35'	40%
Churches, synagogues, chapels and other similar places of worship	87,120 square feet (2 acres)	75'	35'*	30%
Conditional Uses	To be determined by the Board of Adjustment			

**Maximum height for steeples and towers shall be seventy-five (75) feet*

Figure 2.06.06.1

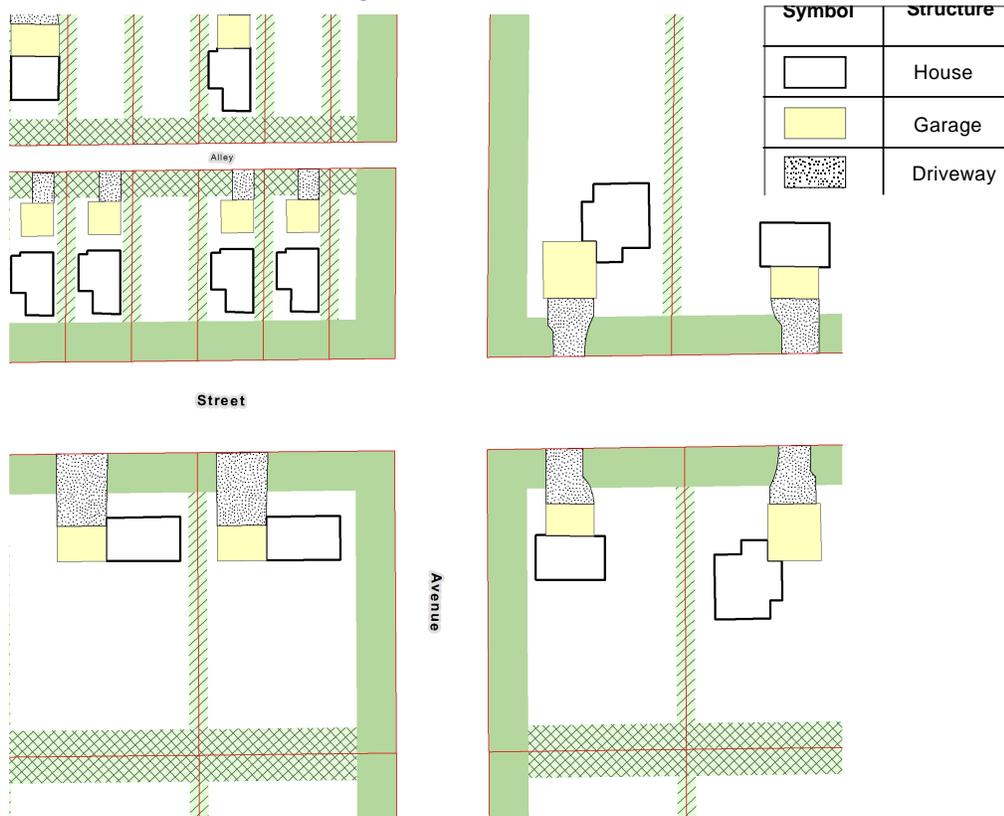


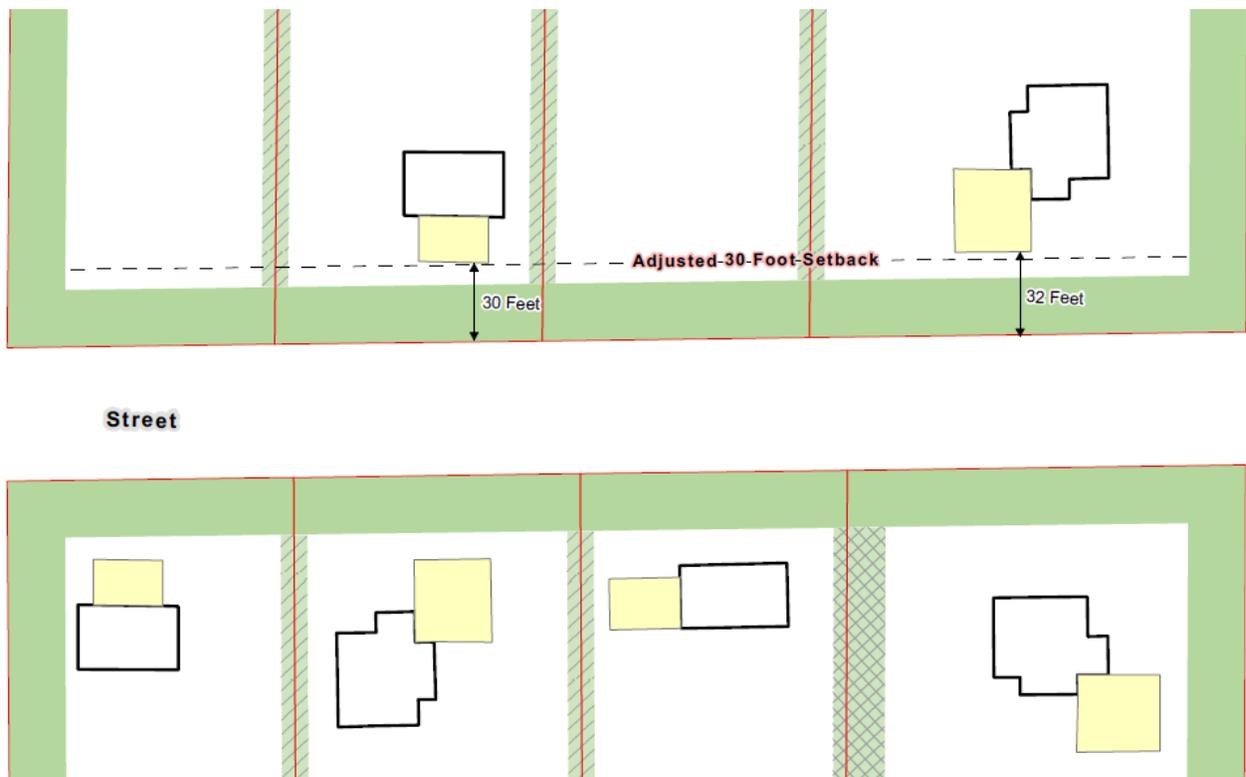
Table 2.06.06.2

	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	
			Party Wall Side	Non-Party Wall Side
SYMBOL				
Single Family Residential	20'	10'	0'	5'
Two Dwelling Units	20'	10'	0'	5'
Three or More Dwelling Units	20'	20'	0'	7'
Assisted Living, Nursing and Rest Homes, etc.	50'	30'	0'	30'
Conditional Uses	To be determined by the Board of Adjustment			

Section 2.06.07. Increase to Minimum Front Yard Requirement

The Zoning Officer shall require an increased minimum front yard depth where forty (40%) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings and all the buildings between these two intersection streets have observed with a variation of five (5') feet or less, a front yard greater in depth than described in Table 2.06.06.2, so that new buildings shall not be erected closer to the streets than the average front yard so established by the existing buildings. See Figure 2.06.07.

Figure 2.06.07.1



CHAPTER 2.07. “R-3” MANUFACTURED HOME RESIDENTIAL DISTRICT

Section 2.07.01. Intent.

The purpose of the “R-3” Manufactured Home Residential 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 “R-3” 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.

Section 2.07.02. Permitted Uses.

The following uses and structures shall be permitted:

1. Any permitted use in the “R-2” District;
2. Type II manufactured homes.

Section 2.07.03. Permitted Accessory Uses.

Accessory buildings and uses customarily incidental 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.

Section 2.07.04. Conditional Uses.

The following uses may be permitted as a Conditional Use in the “R-3” Manufactured Home Residential District by the Board of 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. Any Conditional Use in the “R-2” District;
2. Commercial storage buildings used exclusively for storage and not for performance of any other services;
3. Manufactured home subdivisions. (See Chapter 4.17)

Section 2.07.05. Prohibited Uses.

All uses and structures not specifically listed as either a Permitted Use or Conditional Use shall be prohibited in the “R-3” Manufactured Home Residential District.

Section 2.07.06. Area/Construction Regulations.

Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.07.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Single Family Residential	6,500 square feet	50'	35'	40%
Two Dwelling Units	3,000 square feet/dwelling unit	50'	35'	40%
Three - Four Dwelling Units	2,500 square feet/dwelling unit	50'	35'	40%
Assisted Living, Nursing and Rest Homes, etc.	2,000 square feet/dwelling unit	60'	35'	40%
Conditional Uses	To be determined by the Board of Adjustment			

Figure 2.07.06.1

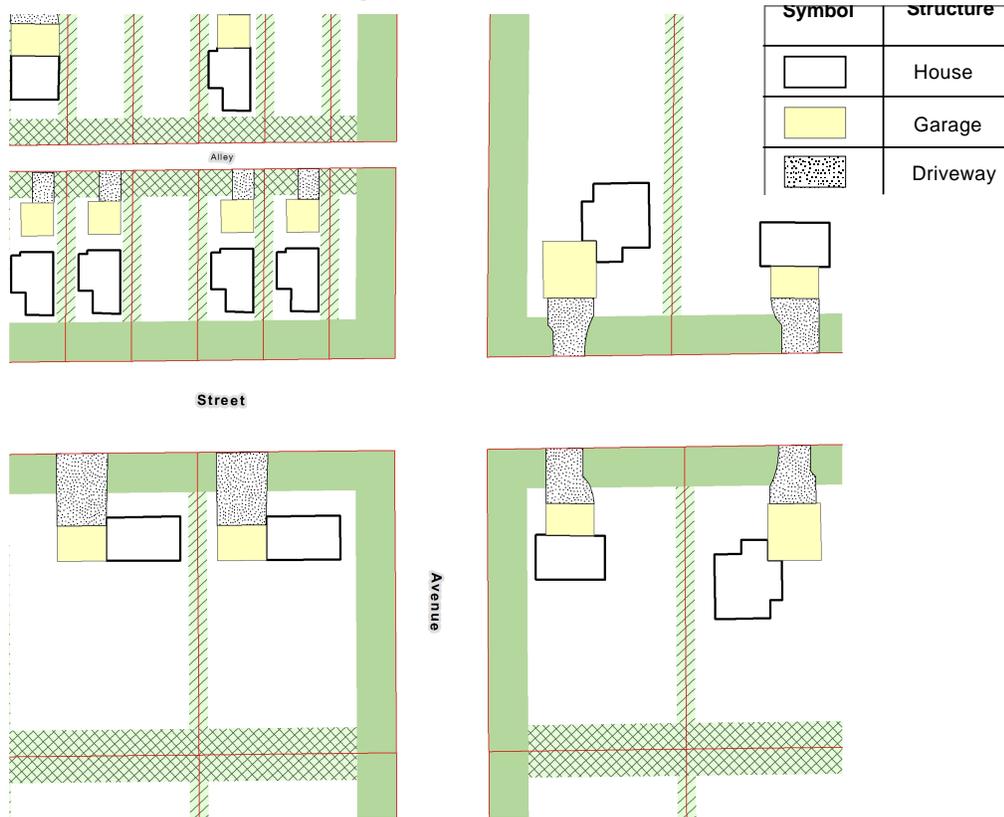


Table 2.07.06.2

	Minimum Front Yard	Minimum Rear Yard*	Minimum Side Yard	
			Party Wall Side	Non-Party Wall Side
SYMBOL				
Single Family Residential	22'	20'	0'	6'
Two Dwelling Units	22'	20'	0'	6'
Three - Four Dwelling Units	30'	25'	0'	8'
Assisted Living, Nursing and Rest Homes, etc.	50'	25'	0'	30'
Conditional Uses	To be determined by the Board of Adjustment			

CHAPTER 2.08 “C-1” GENERAL COMMERCIAL DISTRICT

Section 2.08.01. Intent.

The intent of the “C-1” General Commercial District is to provide local retail and service uses that serve the day to day needs of residents in convenient and appropriate locations. Uses which may generate more traffic or serve an expanded market area are listed as Conditional Uses to ensure that such uses are compatible with local traffic volumes and neighboring commercial or residential uses.

Section 2.08.02 Permitted Uses:

The following uses and structures shall be permitted in the “C-1” General Commercial District:

1. Retail and wholesale sales;
2. Retail sales of: fuel and ice; drug stores, chemicals, all allied products; dry goods and apparel; groceries, and related products; electrical goods, hardware, plumbing, heating equipment and supplies; safety equipment and service, machinery, equipment and supplies; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings;
3. Finance, insurance and real estate services;
4. Business services excluding any warehousing and storage services;
5. Religious institutions, welfare and charitable services, business associations, professional membership organizations, labor unions and similar labor organizations, and civic, social and fraternal associations;
6. Eating and drinking places;
7. Communication and utility uses;
8. Uses operated by a governmental agency;
9. Personal service establishments;
10. Indoor recreational facilities and gymnasiums;
11. Theatres, bowling alleys and pool halls;
12. Professional, governmental and education services;
13. Museum;
14. Printing and publishing establishments;
15. Parking lot and/or garage;

16. Bakery;
17. Offices;
18. On-premise sign.

Section 2.08.03 Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “C-1” General Commercial District.

1. Accessory buildings and uses customarily incidental to permitted uses except outdoor storage which is prohibited;
2. Outdoor storage and display. (See Chapter 4.19)

Section 2.08.04 Conditional Uses:

The following uses may be permitted as conditional uses in “C-1” General Commercial District by the City Board of Adjustment subject to such requirements, as the Board deems necessary to protect and promote the health, safety and general welfare.

1. Retail sale of lumber, all-terrain vehicles, snowmobiles, motorized scooters and other similar sized vehicles for recreational purposes;
2. Bar or tavern;
3. Manufacture or assembly of products and goods;
4. Wholesale merchandising or storage warehouse;
5. Licensed day care center;
6. Multiple-family dwelling;
7. Hotel/motel;
8. Establishments manufacturing a product to be sold at retail on premises to the ultimate consumer;
9. On-Off sale liquor establishment;
10. Automobile filling station;
11. Automobile repair station;
12. Commercial storage;
13. Strip malls and shopping centers within a multi-unit commercial/retail structure.

Section 2.08.05 Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the "C-1" General Commercial District.

Section 2.08.06 Area/Construction Regulations.

1. Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.08.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Permitted Uses	20,000 square feet	100'	35'	75%
Conditional Uses	To be determined by the Board of Adjustment			

Figure 2.08.06.1



Table 2.08.06.2

	Minimum Front Yard	Minimum Rear Yard		Minimum Side Yard	
		Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts	Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts
Symbol					
Permitted Uses	25'	20'	40'	10'	40'
Conditional Uses	To be determined by the Board of Adjustment				

2. All commercial buildings/structures shall be constructed on-site. Off-site constructed or moved-in structures may be allowed only as a Conditional Use.
3. Outdoor Storage and Display – Outdoor display is allowed in accordance with Chapter 4.19 in the C-1 General Commercial District. Outdoor storage is prohibited in the C-1 General Commercial District.
4. Screening - Where any use in the “C-1” General Commercial District is adjacent to any Residential Zone, that use (building, parking or storage) shall be appropriately screened from the Residential Use District by plantings or fencing, except where plantings and/or fencing may be in conflict with Chapter 4.01.

CHAPTER 2.09 “C-2” HIGHWAY COMMERCIAL DISTRICT

Section 2.09.01. Intent.

The intent of the “C-2” Highway Commercial District is to serve the needs of the highway user and the automobile, and in so doing to establish appropriate locations for highway and automobile-related retail and service establishments which will not cause undue traffic congestion. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas. Further, it is the intent of this district to accommodate those industrial uses able to meet performance standards and commercial uses not compatible with the “C1” Central Commercial District.

Section 2.09.02 Permitted Uses:

The following uses and structures shall be permitted in the “C-2” Highway Commercial District:

1. Horticulture and the raising of field crops;
2. Filling station, repair shops, and automobile service stations;
3. Convenience store;
4. On-premise signs;
5. Restaurant;
6. Hotel/motel.
7. Uses operated by a governmental agency;
8. Offices and Financial Institutions;
9. Car washes provided that their operative machinery is within an enclosed structure and adequate drainage is provided;

Section 2.09.03 Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “C-2” Highway Commercial District.

1. Accessory buildings and uses customarily incidental to permitted uses except outdoor storage which is listed as a conditional use;
2. Outdoor storage and display. (See Chapter 4.19)

Section 2.09.04 Conditional Uses:

The following uses may be permitted as conditional uses in the “C-2” Highway Commercial District by the City Board of Adjustment subject to such requirements, as the Board deems necessary to protect and promote the health, safety and general welfare.

1. Utility substations;
2. Bar/tavern and/or On-sale/off-sale liquor establishments;
3. Wholesale or retail sales of: lumber and other building materials, recreational vehicles, all terrain vehicles, farm equipment, marine crafts, manufactured homes, trailers, farm and garden supplies, fuel and ice; motor vehicles and automobile equipment; 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; lumber and construction materials;
4. General farm products (other than animals), household goods, and equipment maintenance;
5. Mortuaries;
6. Contract construction services;
7. Off- premise signs;
8. Truck or bus terminal;
9. Wholesale merchandising or storage warehouse;
10. Commercial storage units;

Section 2.09.05 Prohibited Uses:

All users and structures not specifically permitted or not permitted by conditional use shall be prohibited in the “C-2” District.

Section 2.09.06 Area/Construction Regulations.

1. Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.09.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Permitted Uses	30,000 square feet	100'	35'	75%
Conditional Uses	To be determined by the Board of Adjustment			

Figure 2.09.06.1



Table 2.09.06.2

	Minimum Front Yard	Minimum Rear Yard		Minimum Side Yard	
		Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts	Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts
Symbol					
Permitted Uses	25'	20'	40'	10'	40'
Conditional Uses	To be determined by the Board of Adjustment				

2. All commercial buildings/structures shall be constructed on-site. Off-site constructed or moved-in structures may be allowed only as a Conditional Use.
3. Outdoor Storage and Display – Outdoor storage and display is allowed in accordance with Chapter 4.19 in the C-2 Highway Commercial District.
4. Screening - Where any use in the “C-2” Highway Commercial District is adjacent to any Residential Zone, that use (building, parking or storage) shall be appropriately screened from the Residential Use District by plantings or fencing, except where plantings and/or fencing may be in conflict with Chapter 4.01.

CHAPTER 2.10 “I-1” – LIGHT INDUSTRIAL DISTRICT

Section 2.10.01. Intent.

The intent of the "I-1" Light Industrial District is to reserve appropriately located areas for industrial uses with high standards of site planning and landscape design that will create an environment attractive to most industries, but free of intrusion by inharmonious uses.

Section 2.10.02 Permitted Uses:

The following uses and structures shall be permitted in the “I-1” Light Industrial District:

1. Horticulture and the raising of field crops;
2. On-premise signs;
3. Motor freight terminals, garaging and equipment maintenance;
4. Contractor shops without outdoor storage;
5. Uses operated by a governmental agency;
6. Storage plants, lumber yards, distributing stations and warehouses;
7. Motor freight terminals, garaging and equipment maintenance;
8. Light manufacturing;
9. Commercial storage units;
10. Wholesale distribution and warehousing;
11. Establishments manufacturing a product to be sold at retail on premises to the ultimate consumer;
12. Woodworking shops or plants.

Section 2.10.03 Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “I-1” Light Industrial District:

1. Accessory buildings and uses customarily incidental to permitted uses except outdoor storage which is listed as a conditional use;
2. Outdoor storage and display (See Chapter 4.19);

Section 2.10.04 Conditional uses:

The following uses may be permitted as a conditional use in the “I-1” Light Industrial District by the Board of Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare:

1. Motor vehicle repair;
2. Junk or salvage yards, provided that the area is enclosed or screened from public view as required by the Board of Adjustment;
3. Crematorium
4. Adult Uses (See Chapter 4.18)
5. Grain elevator
6. Caretaker/watchman’s quarters (See Chapter 4.20);

Section 2.10.05 Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the “I-1” Light District.

Section 2.10.06 Area/Construction Regulations:

1. Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

Table 2.10.06.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Permitted Uses	20,000 square feet	100'	45'	50%
Conditional Uses	To be determined by the Board of Adjustment			

Figure 2.10.06.1



Table 2.10.06.2

	Minimum Front Yard	Minimum Rear Yard		Minimum Side Yard	
		Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts	Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to Residential Districts
Symbol					
Permitted Uses	20'	20'	35'	20'	50'
Conditional Uses	To be determined by the Board of Adjustment				

2. Outdoor storage and display – Outdoor storage and display is allowed in accordance with Chapter 4.19 in the “I-1” Light Industrial District.
3. Construction Requirements – All industrial buildings/structures shall be constructed on-site. Off-site constructed structures or moved-in structures may be allowed only with a Conditional Use Permit.
4. Screening - Where any use in the “I-1” Light Industrial District is adjacent to any Residential Zone, that use (building, parking or storage) shall be appropriately screened from the Residential Use District by plantings or fencing, except where plantings and/or fencing may be in conflict with Chapter 4.01.

CHAPTER 2.11 “I-2” – HEAVY INDUSTRIAL DISTRICT

Section 2.11.01. Intent.

The intent of the "I-2" Heavy Industrial District is to reserve appropriately located areas for industrial uses with high standards of site planning and landscape design that will create an environment attractive to most industries, but free of intrusion by inharmonious uses.

Section 2.11.02 Permitted Uses:

The following uses and structures shall be permitted in the “I-2” Heavy Industrial District:

1. Any uses listed as permitted or conditional uses in the I-1 Light Industrial District except Junk or salvage yards, Adult uses; and Caretaker/watchman’s quarters which are listed as a conditional use;
2. Contract construction services;

Section 2.11.03 Permitted Accessory Uses:

The following accessory uses and structures shall be permitted in the “I-2” Industrial District:

1. Buildings and structures customarily incidental to permitted uses;
2. Outdoor storage and display (See Chapter 4.19).

Section 2.11.04 Conditional uses:

The following uses may be permitted as a conditional use in the “I-2” Heavy Industrial District by the Board of Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare:

1. Junk or salvage yards, provided that the area is enclosed or screened from public view as required by the Board of Adjustment;
2. Recycling facilities;
3. Slaughterhouse;
4. Explosive manufacture or storage;
5. Fertilizer manufacture;
6. Incineration or reduction of garbage, dead animals, fat, or refuse;
7. Livestock sales or auction barns and yards;
8. Adult Uses (See Chapter 4.18)

- Processing of any agricultural products including but not limited to soybeans, corn, oats, flax, sorghum, wheat, barley, chick peas, lentils, sugar beets and any by-products thereof;

Section 2.11.05 Prohibited Uses:

All uses and structures not specifically permitted or not permitted by conditional use shall be prohibited in the “I-2” Industrial District.

Section 2.11.06 Area/Construction Regulations:

- Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements shall be regulated in accordance with the following tables:

	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Percent Lot Coverage
Permitted Uses	20,000 square feet	100'	45'	50%
Conditional Uses	To be determined by the Board of Adjustment			

Figure 2.11.06.1



Table 2.11.06.2

	Minimum Front Yard	Minimum Rear Yard		Minimum Side Yard	
		Adjacent to Industrial or Ag Districts	Adjacent to Residential, or Commercial Districts	Adjacent to Industrial or Ag Districts	Adjacent to Residential, or Commercial Districts
Permitted Uses	50'	30'	50'	30'	50'
Conditional Uses	To be determined by the Board of Adjustment				

2. Outdoor storage and display – Outdoor storage and display is allowed in accordance with Chapter 4.19 in the “I-2” Heavy Industrial District. See Chapter 4.19
3. Construction Requirements – All industrial buildings/structures shall be constructed on-site. Off-site constructed structures or moved-in structures may be allowed only with a Conditional Use Permit.
4. Screening - Where any use in the “I-2” Heavy Industrial District is adjacent to any Residential Zone, that use (building, parking or storage) shall be appropriately screened from the Residential Use District by plantings or fencing, except where plantings and/or fencing may be in conflict with Chapter 4.01.

Section 2.11.07 Performance Standards

1. **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
2. **Air Pollution.** State emission standards shall be met by all possible sources of air pollution. In any case, there shall not be discharged from any sources whatsoever such quantities of air contaminants, smoke or detriment, nuisance or annoyance to any considerable number of persons or to the public in general to endanger the comfort, health or safety of any such considerable number of persons or have a natural tendency to cause injury or damage to business, vegetation or property.
3. **Odor.** The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
4. **Glare, Heat or Radiation.** Every use shall be so operated that there is no emission or heat, glare, or radiation visible or discernable beyond the property line.
5. **Vibration.** Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line.

6. **Sewage and Liquid Wastes.** No operation shall be carried on which involves the discharge into a sewer, watercourse, river or the ground of liquid wastes of any radio-active nature, or liquid wastes of chemical nature, which are detrimental to normal sewage plant operations or corrosive or damaging to sewer pipes and installations.
7. **Fire Hazard.** All flammable substances involved in any activity or use, shall be handled in conformance with the standard of the applicable fire code(s) as adopted by state law and any additional regulations that may from time to time be adopted by the City Council.
8. **Physical Appearance.** All operations shall be carried on within an enclosed building except that new or operable equipment and waste materials stored in enclosed containers, not readily visible from the street, may be displayed or stored in the open.

CHAPTER 2.12 “CB” CENTRAL BUSINESS OVERLAY DISTRICT

Section 2.12.01. Intent.

The intent of the “CB” Central Business Overlay District is to preserve the original development pattern of the central business district and accommodate mixed-uses with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space by utilizing pedestrian-oriented, storefront-style shopping streets thereby promoting the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

Section 2.12.02. Establishment/Delineation/Regulation of the “CB” Central Business Overlay District.

Boundaries for the “CB” Central Business Overlay District are shown on the Official Zoning Map as referenced in Section 1.03.01. The “CB” Central Business Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

Any proposed project within the “CB” Central Business Overlay District which is denied by the Building Official or Planning Commission may be appealed to the Board of Adjustment.

Section 2.12.03 Applicability.

The provisions of this Chapter shall apply to any project on a lot or parcel in the “CB” Central Business Overlay District as described herein.

The “CB” Central Business Overlay District may be expanded to include other areas as recommended by the Comprehensive Land Use Plan of the City of Volga or other ancillary studies by recommendation of the Planning Commission and action of the City Council.

Where the provisions of Chapter 2.12 conflict with other provisions of this Title, the provisions of Chapter 2.12 shall prevail.

Standards, uses, and regulations not addressed in Chapter 2.12 shall be regulated as defined elsewhere in this Title.

Section 2.12.04. Permitted Uses.

The following uses and structures shall be permitted in the “CB” Central Business Overlay District:

1. Permitted Uses in the “CB” Central Business Overlay District include all Permitted Uses in the underlying district which each respective lot is located.

Section 2.12.05. Permitted Accessory Uses.

The following accessory uses and structures shall be permitted in the “CB” Central Business Overlay District:

1. Accessory uses and structures customarily incidental to permitted uses.

Section 2.12.06. Conditional Uses.

The following uses may be permitted as a Conditional Use in the “CB” Central Business Overlay District by the Board of Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare:

1. Conditional Uses in the “CB” Central Business Overlay District include all Conditional Uses in the underlying district which each respective lot is located.

Section 2.12.07. Area/Construction Regulations.

1. Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements in the “CB” Central Business Overlay District shall be regulated in accordance with the following tables:

Table 2.12.07.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height
Commercial Uses	<i>no minimum</i>	<i>none</i>	45'
Mixed Commercial and Residential Uses	<i>no minimum</i>	<i>none</i>	45'
Residential Uses	6,500 square feet	<i>none</i>	45'
Conditional Uses	To be determined by the Board of Adjustment		

Table 2.12.07.2

	Minimum Front Yard		Minimum Rear Yard	Minimum Setback from Railroad ROW	Minimum Side Yard
	Adjacent to Kasan Ave, 1st, 2nd & 3rd Streets	All other streets			
Commercial Uses	None	20'	None	20'	None
Mixed Commercial and Residential Uses	None	20'	None	20'	None
Residential Uses	None	20'	None	20'	None
Industrial Uses	None	20'	None	None	None
Conditional Uses	To be determined by the Board of Adjustment				

2. Setbacks on any side or rear yard for a parcel in the “CB” Central Business District immediately adjacent to a parcel in the “R” Residential District shall adhere to the minimum setback requirements of the underlying district.

Section 2.12.08 Performance Standards.

1. Because of the range of land uses permitted within the in the “CB” Central Business Overlay District, other design standards may be considered for Conditional Uses, major amendments, or final development plans.
2. Any additional standards shall be designed to eliminate or offset potential negative impacts to the landscape of this district which may result from development.

CHAPTER 2.13 “FP” FLOODPLAIN PROTECTION DISTRICT

Section 2.13.01. Statutory Authorization.

The Legislature of the State of South Dakota has in SDCL Chapter 9-36 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Volga, South Dakota, does ordain as follows:

The City of Volga, South Dakota elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and another legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

Section 2.13.02. Findings of Fact.

1. The flood hazard areas of the City of Volga are subject to periodic inundation which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. The potential for flood losses is created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Section 2.13.03. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

Section 2.13.04. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 2.13.05. Definitions.

Unless specifically defined below or in Article V of this ordinance, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application. In the event differing definitions are provided in Section 2.13.05 and Article V, the definition contained in Article V shall be used for the enforcement of this ordinance, except that the definitions provided in Section 2.13.05 shall be used for the enforcement of Chapter 2.13.

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, OR VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood-related erosion hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area; in preparation for publication of the FIRM, Zone E may be further refined.

Area of special flood hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, of V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Base flood means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1 percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - See "structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing structures - See "existing construction."

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1) The overflow of inland or tidal waters.
 - 2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A) (2) of this definition and are akin to a river of liquid and flowing mud on surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) (1) of this definition.

Flood elevation determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a 1 percent or greater chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study or Flood Elevation Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - See "regulatory floodway."

Floodway encroachment lines means the lines marking the limits of floodways on Federal, State and local floodplain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passenger, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new

construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreation vehicle means a vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Special flood hazard area - See "area of special flood hazard."

Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHMB or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH,, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, for insurance purposes, means:

- 1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- 2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- 3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Section 2.13.06. Lands to Which the Chapter Applies.

The provisions of Chapter 2.13 shall apply to all areas of special flood hazard within the jurisdiction of the City of Volga, South Dakota.

Section 2.13.07. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map for Brookings County, South Dakota and Incorporated Areas dated July 16, 2008 (Map Number 46011C90410C) and any revisions thereto hereby adopted by reference and declared to be a part of this ordinance.

Section 2.13.08. Establishment of Development Permit.

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Section 2.13.09. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section 2.13.10. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

Section 2.13.11. Warning and Disclaimer or Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 2.13.12. Designation of the Floodplain Administrator.

The City Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining the floodplain management.

Section 2.13.13 Duties & Responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Section 2.13.07, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Sections 2.13.16 through 2.13.19.

Section 2.13.14 Permit Procedures.

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structure, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 2.13.17.2;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Section 2.13.13.1. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - A. The danger to life and property due to flooding or erosion damage;
 - B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - C. The danger that materials may be swept onto other lands to the injury of others;
 - D. The compatibility of the proposed use with existing and anticipated development;
 - E. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- G. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- H. The necessity to the facility of a waterfront location, where applicable;
- I. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- J. The relationship of the proposed use to the comprehensive plan for that area.

Section 2.13.15. Variance Procedures.

1. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 2.13.14.2 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance Section 2.13.03
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
 - A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - B. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. Determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- iv. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- A. The criteria in Section 2.13.15.1 through Section 2.13.15.9 are met, and
 - B. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 2.13.16. General Standards for Flood Hazard Reduction.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements;

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, eating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 2.13.17 Specific Standards for Flood Hazard Reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 2.13.07, Section 2.13.13.8, Section 2.13.18.3, the following provisions are required:

1. Residential Construction - New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least one above the base flood elevation. A registered professional engineer architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 2.13.14.1, is satisfied.

2. Nonresidential Construction - New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one foot above the base flood level or together with attendant utility and sanitary facilities, be designed to that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice s outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. Manufactured Homes - Require that all manufactured homes to be placed within Zone A on a community's FHBM or FORM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Section 2.13.18. Flood Hazard Reduction Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 2.13.02 through 2.13.04 of this ordinances.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 2.13.08; Section 2.13.14; and the provisions of Section 2.13.16 through 2.13.19.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 2.13.07 or Section 2.13.13.8 or this Chapter.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 2.13.19. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) 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 not more than \$200.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs shall constitute a separate offense. Nothing herein contained shall prevent the City of Volga from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 2.13.20. Certification.

It is hereby found and declared by the City of Volga, South Dakota that severe flooding will likely occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

ARTICLE III ADMINISTRATION

CHAPTER 3.01 GENERAL

Section 3.01.01 Permits Required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Administrative Official. The Administrative Official except in conformity with the provisions of this ordinance shall issue no permit, unless it issues a written order in the form of an administrative review, under conditional use, or variance as provided by this ordinance is received.

Section 3.01.02 Applications.

All applications for permits shall be accompanied by a site plan 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 the 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 legal description, existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate conditions existing on the lot; and such other matters as may be necessary to determine conformity with, and provide for the enforcement of, this ordinance.

Section 3.01.03 Fee Schedule.

The City Council shall by resolution establish a schedule of fees, charges, and expense and a collection procedure for Building/Use Permits, conditional use permits, variances, amendments, appeals, and other matters pertaining to this ordinance. The schedule of fees may be altered or amended only by the City Council.

The current fee schedule shall be available from the Administrative Official. All fees shall be the property of the City and shall be paid over to the City Finance Officer for credit to the General Fund of the City, which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 3.01.04 Issuance of Permits.

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 other use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 1.02.02 of this Code.

Section 3.01.05 Expiration of Variances, Building/Use, and Conditional Use Permit.

Unless otherwise specified by the Board of Adjustments, if the work desired in any variance, building/use or conditional use 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 variance, building/use or conditional use permit has not been substantially completed within one (1) year 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 permit has been obtained.

CHAPTER 3.02 ADMINISTRATIVE OFFICIAL

Section 3.02.01 Establishment and Purpose.

The position of Administrative Official is hereby established for the City of Volga. 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.

Section 3.02.02 Duties.

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

1. Issue all Building/Use Permits and make and maintain records thereof.
2. Conduct inspections of buildings, structures, and the use of land to determine compliance with this Ordinance.
3. Notify in writing persons responsible for violations, indicating the nature of the violation and ordering action necessary to correct.
4. 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.
5. 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.

6. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals, and applications.
7. Provide public information relative to all matters arising out of this Ordinance.
8. Forward to the Planning and Zoning Commission all applications for amendments to this Ordinance.
9. Forward to the Board of Adjustment, applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass under this ordinance.
10. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make such reports available to the Planning and Zoning Commission. The Administrative Official shall receive applications for Building/Use Permits, Conditional Uses, Variances, and Zoning Amendments.

For Building/Use Permits, the Administrative Official shall issue Building/Use Permits only in accordance with the provisions of this ordinance.

For conditional uses and Variances, the Administrative Official shall review the application, and shall provide a review of the application to the Board of Adjustment to either approve or deny said application.

For Zoning Amendments, the Administrative Official shall review the application, and shall provide a review of the application to the Planning and Zoning Commission and City Council.

3.02.03 Powers.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the persons 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.

CHAPTER 3.03 PLANNING AND ZONING COMMISSION

Section 3.03.01 Planning and Zoning Commission Established

There is hereby established a Planning and Zoning Commission for the City of Volga, South Dakota, and for land within three miles of its corporate limits.

Section 3.03.02 Membership

The Planning and Zoning Commission shall consist of five (5) members appointed by the mayor, subject to the approval by the City Council. The members of the Planning and Zoning Commission shall be resident electors of Volga, South Dakota, qualified by knowledge or experience to act in matters pertaining to the development and administration of the Comprehensive Land Use Plan. Administrative officials of the city may be appointed as ex-officio members of the Commission by the City Council.

Section 3.03.03 Terms of Members

The term of each member of the Planning and Zoning Commission shall be for three (3) years, except that when such Planning and Zoning Commission is first appointed two (2) members shall be appointed to serve a term of two (2) years and three (3) members shall be appointed for a term of three (3) years so that there will be an overlapping of tenures.

Section 3.03.04 Duties of Planning and Zoning Commission

The Planning and Zoning Commission shall have the following duties:

1. Comprehensive Land Use Plan:

To propose a plan for the physical development of the city, including areas outside the boundary and within its planning jurisdiction which, in the commission's judgment bear relation to the planning of the municipality.

2. Zoning Ordinance:

To develop and adopt a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan.

3. Subdivision:

- A. To adopt regulations governing the subdivision of land within its jurisdiction.
- B. To review proposals for subdivision to determine whether such subdivisions comply with the subdivision ordinance of the City of Volga and make recommendation relating to the approval of subdivisions.

4. Amendments:

- A. The Planning and Zoning Commission may from time to time propose amendments, extensions, or additions to the comprehensive plan, zoning ordinance, and subdivision regulations.
- B. To review and forward recommendation to the City Council relating to amendments to the comprehensive plan, zoning ordinance, and subdivision regulations when initiated.

5. Conditional uses:

To review, hear, and make recommendation to the Board of Adjustment regarding only such conditional uses which the Board of Adjustment is specifically authorized approve by the terms of this Ordinance; to make recommendations to the Board of Adjustment regarding such questions as are involved in determining whether conditional use should be granted; and to make recommendations to the Board of Adjustment regarding such conditions and safeguards as are appropriate under this Ordinance.

Section 3.03.05 Compensation

All members of the Planning and Zoning Commission shall serve as such without compensation.

Section 3.03.06 Organizations, Rules, Staff, and Finances

The Planning and Zoning Commission shall elect its chairman from its membership for a term of one year with eligibility for re-election, and may fill such other offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall hold at least one regular meeting every six (6) months and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, and findings and determinations which shall be a public record. The Planning and Zoning Commission may contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide funds, equipment and accommodations necessary for the Commission's work.

CHAPTER 3.04 BOARD OF ADJUSTMENT

3.04.01 Establishment.

A Board of Adjustment is hereby established, which shall consist of the Mayor and the members of the City Council, as provided for in the provisions of Chapter 11-4, South Dakota Codified Laws and Amendments.

The City Council shall appoint two (2) alternates for the Board of Adjustment. If a City Council Member or Mayor acting as a Board of Adjustment member is unable to attend a meeting, the first alternate, or second alternate in turn, shall serve in the member's place. Alternates may be appointed for a term of three (3) years.

Section 3.04.02 Procedures for Meetings.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The Mayor shall act as chairman of the Board. Meetings shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its meetings of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Board of Adjustment.

Section 3.04.03 Hearings; Appeals; Notice:

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer of the governing body of the city affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken from.

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

Section 3.04.04 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause an imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

Section 3.04.05 Powers and Duties of Board of Adjustment.

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review:
 - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance.
 - B. To hear and decide appeals to decisions made by the Administrative Official regarding Zoning Permits.

2. Conditional uses:

To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance.

3. Variances:

To hear requests for variances from this ordinance in instances where strict enforcement would cause unnecessary hardship, and to authorize upon appeal in specific cases such variance from the terms of this Ordinance as which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

CHAPTER 3.05 PROCEDURES FOR APPLICATIONS

Section 3.05.01 Building/Use Permits.

No new development, change of use, moving in/moving out of structures, demolition, or other action which may be regulated by the provisions of this Ordinance including use, height, number of occupants, lot area, off street parking or yard requirements, shall occur without a building permit issued by the Administrative Official. Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, or construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance without authorization shall be deemed a violation of this regulation and shall be punishable as provided by this regulation. The failure to obtain the necessary building permit shall be punishable under this regulation.

1. The landowner, or applicant on behalf of the landowner, requesting the Building/Use Permit shall complete an application for a Building/Use Permit, accompanied with the appropriate fee, available from the Administrative Official. Completed applications shall be returned to the Administrative Official for review. To be considered complete, the application form shall be accompanied by the following additional items:
 - A. Applications for Building/Use Permits shall be accompanied by a site plan drawn to scale with the following information indicated in order to determine compliance with this Ordinance.
 - B. A site plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

- C. The location of the said lot with respect to existing rights-of-way and adjacent lots.
 - D. A letter of certification stating that the lot to be built upon has been accurately surveyed. This requirement may be waived by the Administrative Official in the event lot markers (pins) have been located.
 - E. Type of siding materials for outside walls.
 - F. A statement signed by the owner or the owner's agent that all work will be in conformity with the facts stated in the application and that all work to be performed will conform with the zoning and building ordinances of the City of Volga, and the laws of the State of South Dakota.
 - G. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Ordinance.
2. The applicant may be required to stake out the building site for final inspection by the utility superintendent or administrative official prior to the issuance of the building/use permit. Final inspection shall be complete prior to the issuance of a building permit.
 3. One copy of the application shall be returned to the applicant, after the Administrative Official has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. The Administrative Official, for City records, shall retain one copy of the application, similarly marked.
 4. The Administrative Official shall then, if the application is approved, issue a signed Building/Use Permit. If the Administrative Official determines the proposed action would not be in compliance with the provisions of these regulations, a Building/Use Permit may not be issued, and the applicant may then appeal the action of the Administrative Official to the Board of Adjustment.
 5. Building/Use Permits shall be posted in a conspicuous place upon the premises and visible from a public right-of-way at all times from the beginning until completion of such construction, alteration, or repair.
 6. With application for a Building/Use Permit, the site must be clearly staked out and/or the Administrative Official will examine plans that clearly indicate the structure to be erected or remodeled, or alterations of the existing structure.

Section 3.05.02 Conditional Uses

Conditional Uses are allowed for certain uses in some zoning districts. Uses not listed within the individual zoning districts as eligible for a Conditional Use Permit shall not, in any circumstances, be granted a Conditional Use Permit.

The following procedure for requesting a Conditional Use Permit shall be followed:

1. The Planning and Zoning Commission, and Board of Adjustment shall follow the following procedure in considering applications for Conditional Use Permits. A Conditional Use Permit in accordance with this ordinance shall not be granted by the Board of Adjustment unless and until:
 - A. The landowner, or applicant on behalf of the landowner, requesting the Conditional Use Permit shall complete an application for a Conditional Use Permit, available from the Administrative Official. Any required attachments and fees as in Section 3.01.03 shall further accompany the application. The written application for a conditional use shall indicate the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested; completed applications shall be returned to the Administrative Official for review. To be considered by the Board of Adjustment, the application form shall be completed. If any of the information required by Section 3.05.01 has changed since the original Building/Use Permit application, the revised, update or corrected information shall accompany the application for a conditional use Permit.
 - B. The Administrative Official shall review the application, and shall prepare a summary of the application, and recommended reasons and justification for either approval of or disapproval of the application.
 - C. The Administrative Official shall set the date, time and place for a joint public hearing to be held by the Planning and Zoning Commission and Board of Adjustment. Exception: The Board of Adjustment and Planning and Zoning Commission may hold separate public hearings for the same request provided the notice requirements of Section 3.05.02.1.D are met for each hearing.
 - D. Notice for public hearings shall be provided at the expense of the applicant in the following manner:
 - i. Not less than ten (10) days prior to the public hearing, the Administrative Official shall notify the adjacent landowners (excluding streets and alley) by mail;
 - ii. Not less than ten (10) days prior to the public hearing, the Administrative Official shall publish notice of the public hearing, in a newspaper of general circulation in the area affected by the proposed Conditional Use Permit.
 - iii. Seven (7) days prior to the hearing the Administrative Official may place upon the property subject to the application, a sign indicating a conditional use permit is being sought.
 - E. A public hearing shall be held. Any party may appear in person, or by agent or attorney;

- F. The Planning and Zoning Commission may make recommendation whether the Board of Adjustment is authorized to approve the proposed use; whether questions as are involved in determining whether a specific conditional use should be granted have been answered; and regarding such conditions and safeguards as are appropriate under this Ordinance by majority vote of the full membership of the Planning and Zoning Commission (3 votes).
 - G. The Board of Adjustment shall rule that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest; and
 - H. Before any Conditional Use Permit shall be issued, the Board of Adjustment shall make written finding certifying compliance with the specific rules governing individual conditional use s and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - i. Utilities, refuse, and service areas, with reference to locations, availability, and compatibility;
 - ii. Screening and buffering with reference to type, dimensions, and character;
 - iii. Required yards and other open space; and
 - iv. General compatibility with adjacent properties and other property in the district.
 - v. Entrance and exit to property and proposed 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;
 - vi. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties.
2. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Conditional Use Permit. A Conditional Use Permit shall remain valid only as long as the terms and conditions of the Conditional Use Permit, as attached by the Board of Adjustment are complied with.
3. Approval of any application for a Conditional Use Permit shall be by a two-thirds (2/3) majority (5 votes) of all members of the Board of Adjustment.

Section 3.05.03 Variances.

Variances are designed to allow some flexibility in the Zoning Regulations in cases where the exceptional shape of a parcel of land, the use of a property is overwhelmingly affected by exceptional topographic conditions, or any other extraordinary situation or condition of such a parcel of land. Variances are to be approved only when a property owner demonstrates that the provisions of all or part of these regulations present an undue hardship on such property owner's use of such parcel of land. A variance shall include a description of the specific regulatory item or items in this Ordinance, which are found to produce said undue hardship. Variances shall only be granted when the Board of Adjustments finds that such relief from these Zoning Regulations will be neither detrimental to the public good nor in conflict with the intent of these Zoning Regulations.

The following procedure for requesting a Variance shall be followed:

1. The Board of Adjustment shall follow the following procedure in considering the recommendation of the Administrative Official. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:
 - A. An application for Variance, available from the Administrative Official, shall be completed by the landowner, or applicant on behalf of the landowner, requesting the variance and shall be accompanied by any required attachments and fees as in Section 3.01.03. The written application for a variance shall indicate the section of this Ordinance under which the variance is sought and stating the grounds for which it is requested. Completed applications shall be returned to the Administrative Official for review. To be considered by the Board of Adjustment, the application form shall be completed. If any of the information required by Section 3.05.01 has changed since the original Building/Use Permit application, the revised, updated or corrected information shall accompany the application for a variance.
 - B. The Administrative Official shall review the application, and shall prepare a summary of the application, and recommended reasons and justification for either approval of or disapproval of the application
 - C. Notice for public hearings shall be provided at the expense of the applicant in the following manner:
 - i. Not less than ten (10) days prior to the public hearing, the Administrative Official shall notify the adjacent landowners (excluding streets and alley) by mail;
 - ii. Not less than ten (10) days prior to the public hearing, the Administrative Official shall publish notice of the public hearing, in a newspaper of general circulation in the area affected by the proposed variance.
 - D. A public hearing shall be held. Any party may appear in person, or by agent or attorney;

- E. The Board of Adjustment shall follow the following procedure in considering the recommendation of the Administrative Official. A variance from the terms of this ordinance shall not be granted by the Board of Adjustments unless and until:
- i. A written application for a variance is submitted demonstrating:
 - ii. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other land, structures, or buildings in the same district;
 - iii. 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;
 - iv. That the special conditions and circumstance do not result from the actions of the applicant;
 - v. That granting the variance request 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.
 - vi. 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.
2. The Board of Adjustment shall make findings that the requirements of Section 3.05.03.1.e. above have been met by the applicant for a variance;
 3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure; and
 4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 5. Approval of any variance shall be by a two-thirds (2/3) majority (5 votes) of all members of the Board of Adjustment.
 6. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations 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 Chapter 1.02, Section 1.02.02 of this Ordinance.

7. Under no circumstances shall the Board of 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 3.05.04 Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official:

1. 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.
2. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.
3. The concurring vote of two-thirds (2/3) of all members (5 votes) of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, 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 the application of this ordinance.

Section 3.05.05 Appeals:

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Finance Officer.

Section 3.05.06 Zoning Amendments.

The regulations, restrictions and 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. Unless otherwise provided for in these regulations, any change in these regulations, shall require City Council approval of an ordinance describing said changes. The City Council may not consider said ordinance until the Planning and Zoning Commission has delivered a recommendation to either approve or not approve said ordinance.

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

1. An Application for Amendment, available from the Administrative Official, 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 Planning and Zoning Commission and City Council, the application form shall be completed and shall be accompanied by the following items:
 - A. Any required attachments and fees, including Registered or Certified Mail costs in Section 3.01.03; and
 - B. Any additional information, as requested by the Administrative Official, as lawfully may be required to determine conformance with and provide for enforcement of this ordinance.
 - C. The Administrative Official shall review the application, and shall forward a summary of the application, and his/her comments regarding said application, to the Planning and Zoning Commission for their review.
 - D. The Administrative Official shall set the date, time, and place for a joint public hearing to be held by the Planning and Zoning Commission and City Council. Exception: The City Council and Planning and Zoning Commission may hold separate public hearings for the same request provided the notice requirements of Section 3.05.06.1.E are met for each hearing.
 - E. Notice for public hearings shall be provided in the following manner (if the amendment is at the request of an applicant, notification shall be sent and published at the applicants expense):
 - i. If the proposed amendment will change the boundaries of a zoning district, not less than ten (10) days prior to the public hearing, the Administrative Official shall notify all owners of property within 250 feet of the proposed boundary change by mail;
 - ii. Not less than ten (10) days prior to the public hearing, the Administrative Official shall publish notice of the public hearing, in a newspaper of general circulation in the area affected by the proposed Conditional Use Permit.
 - iii. In the case of a change in zoning designation, seven (7) days prior to the hearing the Administrative Official may place upon the property subject to the application, a sign indicating a conditional use permit is being sought.
 - F. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning and Zoning Commission.
 - G. The Planning and Zoning Commission shall either recommend or not recommend approval of the amendment to the City Council.

- H. 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.
- I. When the City Council approves a proposed amendment affecting the zoning classification of property, affected property owners may file a written protest to stop such an amendment from taking effect. If the protest meets the following standard, such amendment shall not become effective unless the amendment is approved by two-thirds of the City Council.

Protest Standard: The protest shall be signed by at least 40% of the owners of equity in the parcels in the area affected by the amendment, and the parcels or parts of parcels within two hundred fifty (250) feet of the area affected by the amendment.

Section 3.05.07 Reapplication.

No application requesting a variance, conditional use, or zoning ordinance amendment or district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board, shall again be considered by the Planning Commission or Board of Adjustment before the expiration of one (1) year from the date of the final action of the Planning Commission or Board of Adjustment.

ARTICLE IV SUPPLEMENTAL REGULATIONS

CHAPTER 4.01 VISIBILITY AT INTERSECTIONS.

On a corner lot in any zoning district, no planting or obstruction to vision between the range of three (3) feet and eight (8) feet in height measured from the center line of the road shall be placed or maintained within the triangular area formed by the intersection road right-of-way lines and a straight line connecting points on said road right-of-way line, each of which is fifty (50) feet distance from the point of intersection (Clear View Triangle).

CHAPTER 4.02 FENCES.

Section 4.02.01 Construction Limitations

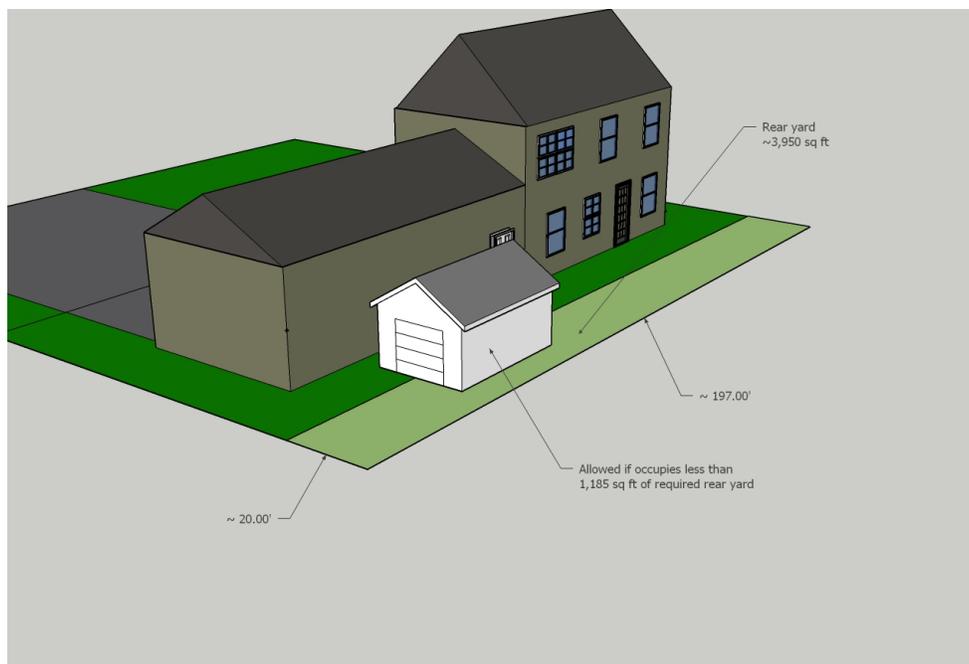
1. No person shall hereafter construct, erect, or maintain or cause to be constructed, erected, or maintained, in the City of Volga corporate limits any fences of any character or material, without first securing permission from the Administrative Official.
2. Fences, walls, and hedges which are more than thirty (30) percent solid shall abide by Chapter 4.01.
3. Notwithstanding other provisions of this ordinance, fences, walls, and hedges placed in the required front yard shall be limited to a height of three (3) feet if more than thirty (30) percent solid. Fences, walls, and hedges placed in the required front yard shall be limited to a height of five (5) feet if less than thirty (30) percent solid.
4. Notwithstanding other provisions of this ordinance, fences, walls, and hedges with a maximum height of not more than seven (7) feet high, may be erected on any part of a lot other than in the required front yard.
5. Hedges or other plantings which create a fence effect are subject to the same regulations as fences
6. No person shall hereafter construct, erect, or maintain or cause to be constructed, erected, or maintained, in the City of Volga corporate limits any fences of any character or material closer than two (2) feet to the sidewalk line or property line. Exception: A fence/wall/hedge may be placed on the property line provided the fence/wall/hedge is shared between property owners and agreement providing for the maintenance of said fence/wall/hedge is recorded at the Register of Deeds.

7. Approved fencing materials include stone, brick, wood, vinyl, and chain link. The City further requires fencing materials to be “new” – used for first time installation. Individuals wishing to utilize “used” – not first time installation fencing materials shall require Board of Adjustment approval. No electric or barbed wire fence shall be used in the construction of any fences within the “R” Residential District, “GC” General Commercial District or on the property lines separating commercial or industrial zoned property with residentially zoned property. Except that barbed wire may be used in connection with a security fence when the barbed wire is at least six feet from the ground.
8. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
9. That side of the fence considered being the face (facing as applied to fence post) should face abutting property.

CHAPTER 4.03 ACCESSORY USES

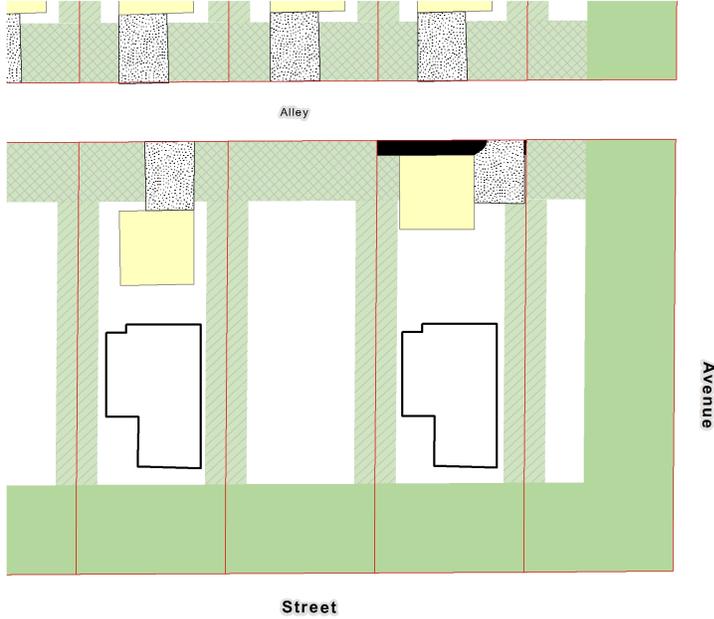
1. No accessory use shall be deemed to be authorized by this Ordinance unless such use is in fact subordinate to and on the same parcel with the principal use in conjunction with which it is maintained.
2. No accessory use shall be permitted in any district unless such use is specifically authorized by this Ordinance.
3. No accessory building which is attached to or within ten (10) feet of a principal structure shall be erected in any required yard.
4. No separate accessory building shall be erected within five (5) feet of any other building.
5. Accessory buildings may be located in a rear yard, but may not occupy more than thirty percent (30%) of a rear yard, and shall not be used for dwelling purposes. (See Figure 4.03.5)

Figure 4.03.05



6. No separate accessory building shall be erected within five (5) feet of any side or rear lot line, except that when a garage is entered directly from an alley it shall not be located closer than twenty (20) feet to the alley line. (See Figure 4.03.6)

Figure 4.03.06



Symbol		Structure
		House
		Garage
		Driveway
Symbol	Required Yard	Setback*
	Front Yard	25'
	Rear Yard	20'
	Side Yard	7'
	Parallel Accessory Building	5'

7. No accessory building may be used for residential dwelling purposes at any time.
8. Residential districts.

Accessory uses shall be permitted for the principal permitted uses and conditional uses of the residential districts only in accordance with the provisions of the following table hereby adopted by reference and declared to be part of this Ordinance.

9. Commercial and Industrial districts.

In any commercial or industrial district, any accessory use customarily incident to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

Table 4.03.8

Permitted uses:

Principal Use	Permitted Accessory Uses
Single-family dwellings; duplexes; townhouses and multiple-family dwellings; nursery schools and Day care centers.	<ol style="list-style-type: none"> 1. Private garages. <ol style="list-style-type: none"> i. Attached garages shall be limited to a total area less than or equal to the gross floor area of the house and conform to the design of the house. ii. Unattached garages shall be limited to a total area less than or equal to the gross floor area of the house and a maximum of 4/12 roof pitch or to conform to the design of the house. iii. Unattached garages shall have siding material of a type customarily used on site-constructed residence. Comparable to dwelling and be color coordinated to dwelling. 2. Buildings or structures for customary residential storage-purposes not over twelve (12) feet in height and not exceeding two hundred (200) square feet in gross floor area. 3. Readily moveable sports, recreation, or outdoor cooking equipment. 4. Permanent sports or recreational structures or facilities, such as tennis courts, swimming pools (with an approved security fence), barbeque pits, and similar improvements provided a site plan for such facility is approved. 5. Home occupations but only as defined herein. 6. Non-commercial greenhouses provided that greenhouses over 100 square feet in floor area must have an approved site plan. 7. Off-street parking and storage of vehicles, but only as provided in Chapter 4.05 of this Ordinance.
Religious Institutions	<ol style="list-style-type: none"> 1. All customarily incidental uses reasonably necessary to allow the free exercise of religion, but not to include commercial use.
All conditional uses	<ol style="list-style-type: none"> 1. All customarily incidental uses reasonably necessary to promote the primary purposes of the principal use, provided that such use must be specifically authorized by the Board of Adjustment for the principal use
All other items	<ol style="list-style-type: none"> 1. No accessory uses permitted.

CHAPTER 4.04 SIGNS AND OUTDOOR ADVERTISING.

Section 4.04.01 Purpose and Intent.

The purpose of this article is to establish a set of standards for the fabrication, erection, and use of signs, symbols, markings, or advertising devices within the city. These standards are designed to protect and promote the general welfare, health and safety of persons within the community to aid and assist in the development and promotion of business and industry by providing regulations which allow and encourage creativity, effectiveness and flexibility in the design and use of such devices.

Section 4.04.02 Permitted Signs.

Signs shall be permitted on private property in accordance with Table 1. If the letter “P” appears for a sign type in a column, such sign is allowed upon obtaining a sign permit. If the letter “C” appears for a sign type in a column, such sign is allowed upon obtaining a conditional use permit. If the letters “NA” appear for a sign type in a column, such sign is not allowed in the respective district under any circumstances.

**Table 4.04.02.1
Signs by Type and Zoning District**

SIGN TYPE	ZONING DISTRICTS					
	R's	C-1	C-2	I-1	I-2	AG
Ground Sign	P*	P	P	P	P	NA
Wall Sign	P	P	P	P	P	P
Roof Sign	NA	NA	NA	NA	NA	NA
Projecting	NA	NA	NA	NA	NA	NA
Parking Signs	P	P	P	P	P	NA
Off-Premise Signs	NA	NA	C	C	C	NA
Temporary Signs	NA	P	P	P	P	NA
Development Signs	NA	P	P	P	P	NA
	P = Allowed upon obtaining a sign permit					
	C = Allowed upon obtaining a conditional use permit					
	NA = Not Allowed					

*Permitted for Religious uses, public institutions, non-residential, or residential development uses.

Section 4.04.03. Supplementary Regulations for Signs Requiring Permit.

Signs requiring permit shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on the following table. If the letters “NA” appear for a sign type in a column, such sign is not allowed in the respective district under any circumstances.

**Table 4.04.03.1
Supplementary Regulations for Signs Requiring Permit**

SUPPLEMENTAL REGULATIONS	ZONING DISTRICTS						
	Religious uses, public institutions, non-residential, or residential development uses in R-Districts	R-Districts	C-1	C-2	I-1	I-2	AG
<i>Setbacks</i>							
Ground Signs From Right of Way	0'	NA	0'	0'	0'	0'	NA
Ground Signs From Lot Lines	5'	NA	5'	5'	5'	5'	NA
Off-Premise Signs From Residential Zoning District, park, playground, school, or religious use	NA	NA	NA	100'	100'	100'	NA
Off-Premise Signs less than 300 sq ft from other Off-Premise Signs	NA	NA	NA	400'	400'	400'	NA
Off-Premise Signs Greater than 300 sq ft from other Off-Premise Signs greater than 300 sq ft	NA	NA	NA	700'	700'	700'	NA
Off-Premise Signs From Right Of Way	NA	NA	NA	20'	20'	20'	NA
<i>Total Sign(s) Area (Maximum Sq. Ft.)</i>							
On-Premise Signs	50% the total lineal feet of frontage; not to exceed 32 Sq. Ft.	1 Sq. Ft.	200% the total lineal feet of frontage	300% the total lineal feet of frontage*	200% the total lineal feet of frontage	200% the total lineal feet of frontage	1 Sq. Ft.
Off Premise Signs**	NA	NA	NA	700 Sq. Ft.	700 Sq. Ft.	700 Sq. Ft.	NA
Development Signs	NA	NA	100 Sq. Ft.	100 Sq. Ft.	100 Sq. Ft.	100 Sq. Ft.	NA

NA = Not Allowed

*Corner Lots and Through Lots shall be permitted one hundred fifty percent (150%) of the total allowable sign area with no more than one hundred percent (100%) adjacent to any one street.

Table 4.04.03.1
Supplementary Regulations for Signs Requiring Permit
(Continued)

SUPPLEMENTAL REGULATIONS	ZONING DISTRICTS						
	Religious uses, public institutions, non-residential, or residential development uses in R-Districts	R-Districts	C-1	C-2	I-1	I-2	AG
<i>Maximum Number Allowed</i>							
Total Number of On-Premise Signs***	2	1	4	4	4	4	1
Number of Ground Signs	1	NA	1	2	1	1	NA
<i>Maximum Height</i>							
Ground Signs	15'	NA	30'	40'	30'	30'	NA
Roof Signs- Excluding Advertising	NA	NA	NA	15'	NA	NA	NA
Off-Premise Signs****	NA	NA	NA	40'	30'	30'	NA
Development Signs	NA	NA	15'	15'	15'	15'	NA
<i>Maximum Projecting Distance</i>							
From Building Face	NA	NA	1'****	6'	1'	1'	NA
Above Roof Line	0'	0'	0'				

NA = Not Allowed

***Where permitted, one (1) on-premise sign per frontage shall be allowed subject to the maximum number described herein.

****Where permitted adjacent to State or Federal Highways Off-Premise Signs may be a maximum height of forty feet (40')

*****Not more than one sign may project with a minimum underside clearance of fourteen feet (14')

Section 4.04.04. Exempted Signs - No Permit Required.

The following signs need no permit, but shall conform to the requirements of this Section:

- a. Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and six (6) feet in height. Such signs shall not be included in determining allowable signage.
- b. Public signs, street signs, warning signs, railroad crossing signs, or signs of public service companies for the purpose of safety.
- c. Signs denoting the architect, engineer, contractor, or owners, when placed upon a work site. Such signs shall be removed within ten (10) days after completion of construction.
- d. Signs designating candidates seeking public political office. Such signs shall be located on private property and shall not be located on an intersection so as to obstruct vehicular lines of sight.
- e. Signs or posters attached or painted on the inside of a display window. This shall include illuminated signs, but not flashing signs.
- f. Flags, badges, or insignia of any government, governmental agency, or any civic, religious, fraternal or similar organization.
- g. Emergency signs required by any governmental agency.
- h. Temporary real estate signs pertaining only to the sale, rental or development of the lot upon which displayed, such signs shall not exceed six (6) square feet for residential property or twenty-four (24) square feet for other property. One (1) sign shall be permitted for each lot and must be removed within ten (10) days following the sale, lease, or development.
- i. Banners placed on private property for advertising a special sales event or grand opening. Such banners shall contain no advertising.
- j. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material.
- k. Home occupation signs, non-illuminated, attached to the wall of a dwelling, and not exceeding two (2) square feet in area.
- l. Temporary real estate development signs pertaining to the sale, rental, or development of the premises upon which displayed. One (1) sign is permitted per development. Each sign shall not exceed the following size limitations.

Project Area	Residential	Commercial/Industrial
Less than 10 acres	32 sq. ft.	32 sq. ft.
10.1 to 25 acres	150 sq. ft.	150 sq. ft.
Greater than 25.1 acres	300 sq. ft.	500 sq. ft.

- m. Signs shall be properly maintained and removed when 80 percent (80%) of the project is sold, rented, or developed.

Section 4.04.05 Prohibited Signs.

The following signs are prohibited by this Section:

- A. Signs that by reason of position, shape or color, would interfere with the proper function of a traffic sign, signal or be misleading to vehicular traffic.
- B. Signs within a public right-of-way or easement, except for signs installed by governmental subdivisions.
- C. Signs that resemble any official marker erected by a governmental agency or that display such words as "stop" or "danger," which are not erected by legal authority.
- D. Signs attached to trees or utility poles.
- E. Signs with rotating beam or flashing illumination.
- F. Signs which project over any public right-of-way.
- G. Signs advertising by letters, words, or figures painted upon any sidewalk within the City.
- H. Advertising signs painted on any exterior building surface. Such signs shall be on a separate frame and shall not extend beyond eighteen (18) inches from the wall surface.
- I. Trademark signs in excess of two (2) persons per business.
- J. Signs which project over in public right-of-way, except for canopy or awning signs which shall have a minimum clearance of seven (7) feet above a public sidewalk and wall signs in the CB Overlay District.
- K. Rotating signs.
- L. Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.
- M. Electronic message signs with sudden movement, including, but not limited to, blinking and flashing.
- N. The following signs at all locations except those locations with zero yard space setback requirements.
 - i. Signs which obstruct the clear view triangle of any required egress from a building or structure.
 - ii. Where otherwise allowed in the setback, no ground sign or sign structures taller than three (3) feet shall be located within a clear view triangle area.

Section 4.04.06 General Requirements.

1. All signs shall be maintained by the owner in a safe condition. A sign shall be repainted whenever its paint begins to fade, chip, or discolor.
2. On-premise signs shall be removed from a building and property by the owner of such property within thirty (30) days after termination of the use for which it was intended.
3. If the Administrative Official shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected or maintained in violation of the provisions of this Section, the Administrative Official shall give written notice to the property owner thereof. If the property owner fails to comply with the standards of this Section within thirty (30) days after such notice, and if no appeal is taken, or if no owner, occupant, or agent can be found, such sign may be removed or altered by the City. The cost of such City action shall be specially assessed against the subject property.
4. All signs erected per this Section shall comply with adopted building codes for the State of South Dakota in accordance with SDCL 11-10 and the City of Volga.
5. Strip malls or shopping centers located on a single lot in C-1, C-2, I-1, and I-2 Districts shall be permitted one (1) ground (joint identification) sign identifying the name of the development and/or businesses within the development and one (1) wall sign per business. Area of all signs shall not exceed the total allowable signage for the lot.
6. Sign height shall be measured from street or highway curb elevation to the highest point of the respective sign.

Section 4.04.07 Non-Conforming Signs.

Any sign legally existing on the effective date of this Section which does not conform to the requirements set forth in this Section shall be considered a non-conforming sign. Non-conforming signs shall comply with the following requirement:

1. Any sign erected before the passage of this Section shall be not rebuilt, moved to a new location on the affected property, or altered except for the changing of moveable parts of signs which are designed for changes, or the repainting of display matter for maintenance purposes without being brought into compliance with the requirements of this Section, except that existing signs painted directly on an exterior building wall as an off-premise advertising sign, deemed by the Board of Adjustment as having historical or cultural value, may be restored to its original condition by repainting.

Section 4.04.08. Off-Premise Signs (Outdoor Advertising).

In addition to the regulations set forth in Table 4.04.03.1, Off-premise signage shall meet the following standards:

1. When a sign is to be located along a designated highway where such sign is not adjacent to a front property line, there shall be minimum setback of five (5) feet.

2. The source light for the purpose of illumination may be indirect or direct and shall not be directed in any way except into the advertising copy.
3. The exposed uprights or superstructure shall be painted a neutral color.
4. The area around a ground-mounted off-premise sign shall be appropriately landscaped and regularly maintained.
5. All ground support structures shall meet appropriate Building Codes.
6. Off-premise signs located on a roof shall not be permitted.
7. Wall-mounted off-premise signs shall be on a separate frame, shall not extend beyond eighteen (18) inches from the wall surface, and shall not exceed one-quarter (1/4) of the square footage of the wall it occupies or three hundred (300) square feet, whichever is lesser.

Section 4.04.09 Temporary Signs.

Temporary use of portable or moveable signs shall be allowed in excess of and in addition to the sign limitations of this Section. The following provisions shall apply:

1. Such signs may be located on a property for continuous periods not to exceed thirty (30) days.
2. No property shall be allowed more than four (4) such periods in any twelve (12) month period.
3. Such signs shall comply with setback provisions for ground signs in each zoning district.
4. Such signs shall only be permitted in commercial and industrial districts.
5. A permit (no fee) shall be obtained from the Administrative Official for each location and time period for placement of such signs.

Section 4.04.10 Development Signs.

In addition to the regulations set forth in Table 4.04.03.1, permanent signs identifying the name of a development or names of companies within a development shall conform to the following standards:

1. One (1) ground sign identifying the permanent name of the development or joint identification sign identifying the name of the development and businesses within the development. Such sign shall not exceed one hundred (100) square feet of display area.

Section 4.04.11 Electronic Message Sign:

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade, scrolling, or traveling. However, sudden movement is prohibited, including, but not limited to, blinking and flashing.
2. Any permitted signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed at periodic intervals by various modes, such as fade, dissolve, scrolling, or traveling.

CHAPTER 4.05 PARKING

Section 4.05.01 Major Recreation Equipment not for Occupancy.

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 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.

Section 4.05.02 Parking and Storage of Certain Vehicles:

Automotive vehicles or trailers of any kind or type inoperable or without current license plates shall not be parked or stored on any property in the "C-1" General Commercial, "C-2" Highway Commercial, "I-1" Light Industrial, "I-2" Heavy Industrial, "R-1" Single Family Residential District, "R-2" Multiple Family Residential District, or "R-3" Manufactured Home Residential District other than in completely enclosed buildings.

Section 4.05.03 Off-Street Parking Requirements:

Except in the "CB" Central Business Overlay District, off-street motor vehicle parking and loading spaces shall hereafter be provided on the same lot as, and in the number stated, for each use set forth in the Schedule of Minimum Off-street Parking and Loading Requirements below. In the event the minimum number of spaces specified cannot be reasonably provided on the same lot as the principal use for which the spaces are required, the Board of Adjustment may permit such spaces to be provided on other off-street property within four hundred (400) feet of the entrance to such principal use.

Table 4.05.03.1 Schedule of Minimum Off-street Parking and Loading Requirements

USE OR STRUCTURE	MINIMUM OFF-STREET PARKING REQUIREMENTS	MINIMUM OFF-STREET LOADING REQUIREMENTS
Bed & Breakfast	One (1) space for each guest room	None
Bowling Alleys	Four (4) spaces per alley	One (1) space per establishment
Churches	One (1) space for each four (4) seats in the main seating area	None
Eating & Drinking Places	One (1) space for each three- (3) customer seating spaces	One (1) space per establishment
Hospitals	One (1) space for each three (3) beds	Three (3) spaces per establishment
Hotels/Motels	One (1) space for each guest room	One (1) space per establishment
Libraries	One (1) space for each five hundred- (500) square feet of floor area	One (1) space per establishment
Manufactured Home Parks	Two (2) spaces for each manufactured home	None
Medical or dental clinics	One (1) space for each examining or operating room plus one (1) space for each doctor and employee	None
Mortuaries & funeral homes	Five (5) spaces for each reposing room	Two (2) spaces per establishment
Multiple family dwellings Nursing, Convalescent & Rest Homes	Two (2) spaces for each dwelling unit exclusive or required yards	None
Private Clubs, Lodges, Social or Fraternal Organizations	One (1) space for each one hundred (100) square feet or one (1) space for each three (3) seats at bars or dining tables, whichever is greater	None
Schools	One (1) space for each twenty-five students	One (1) space per school
Service Establishments	One (1) space for each three hundred (300) square feet of floor area	One (1) space per establishment
Retail sales establishments, and	One (1) space for each three hundred (300) square feet of floor area	One (1) space per establishment
Single family dwellings	Two (2) spaces for each dwelling unit exclusive of required yards;	None
Theatres, auditoriums, & places of public assembly	One (1) space for each four (4) seats of design capacity	One (1) space per establishment
Wholesale & distribution	One (1) space for each two (2) employees on the maximum working shift	Two (2) spaces per establishment

CHAPTER 4.06. 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 services, fire protection and required off-street parking.

CHAPTER 4.07 YARDS

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 4.07.01 Yards, Reduction in Size.

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 and lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 4.07.02 Additional Yard Requirements.

The following yard requirements must be observed in addition to the yard requirements of the various districts:

1. Except in the, "A", and "CB" Districts, a corner lot must have a front yard on both streets. Exception: All buildings located on lots adjacent to the "R-1" or "R-2" District shall observe a yard requirement equivalent to the minimum yard requirements of the "R-1" or "R-2" District on the side or sides adjacent
2. On through lots and reversed frontage lots, a front yard must be provided on both streets.
3. Required front yards shall be devoted entirely to landscaped area except for the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.

Section 4.07.03 Exceptions to Yard Requirements

The following exceptions may be made to the yard requirements:

1. Air conditioning units, sills, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four (24) inches.
2. In commercial and industrial districts, filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen (15) feet from all lot lines.
3. Any accessory buildings closer than ten (10) feet to a main building shall be considered as part of the main building and shall be provided with the same side and rear yard requirements as the main building.

CHAPTER 4.08 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any residential district, only one (1) structure housing a permitted or permissible principle use may be erected on single lot, provided that yard and other requirements are met unless approved by the Board of Adjustment as a Conditional Use Permit for Multiple Family residences or in a Manufactured Home Park.

CHAPTER 4.09 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in Article II 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.

CHAPTER 4.10 PRIVATE WASTEWATER TREATMENT SYSTEMS (SEPTIC TANKS)

All existing septic tanks shall be considered Non-conforming Uses. All structures used for human habitation, commercial and industrial use must be connected to the city's sanitary sewer system. All structures within four hundred (400) feet of the city's sanitary sewer system shall be connected to the city's sanitary sewer system at the landowner cost in accordance with Chapter 15 of Volga City Ordinances.

CHAPTER 4.11 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, 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.

CHAPTER 4.12 UTILITY EASEMENTS.

No building or addition thereto shall be erected over or across any existing public utility or upon any platted easement.

CHAPTER 4.13. REFUSE.

In all zoning districts, refuse (rubbish, garbage, trash, waste or debris) shall be kept within a complete enclosed building or specially designed closed container made for such purpose. Owners of vacant lots shall be responsible for keeping their property free of trash.

CHAPTER 4.14 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 of Volga 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.

1. The fee for said permit as prescribed in Section 3.01.03 shall have been paid.
2. 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 Volga.
3. That the work is to be completed within six (6) months after the permit has been issued by the Administrative Official.
4. That applicant shall file with the Administrative Official the route to be taken in so moving/removing the building and length of time which may be consumed in the work.
5. The applicant shall also file with the City Finance Officer a 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, and to insure that any site reclamation work is completed, said bond to be in a minimum of five hundred dollars (\$500).
6. No building shall be moved other than during the period from daylight to sundown.
7. Before any permit is granted under this section, the applicant must furnish proof that all taxes legally assessed against the property have been paid. 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.
8. No building or part of any building shall be allowed to stand still in any public street or public ground in the City for more than twenty-four (24) hours consecutively.
9. Nothing in the permit shall be construed as authorizing the holder thereof or his agents to break, injure or move any light or telephone poles or wires, or in any way injure shade trees or other property without the permission of the owner or owners thereof.
10. Any building, which is not newly constructed to be used for first occupancy, shall also meet the following minimum requirements to obtain a permit.
 - A. The written consent of sixty-six (66) percent of all property owners owning property immediately adjacent (excluding streets and alleys) to the proposed building site.

CHAPTER 4.15 MOVED OUT BUILDINGS

It shall be unlawful to move any house or other building off of any lot 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.

1. The fee for said permit as prescribed in Section 3.01.03, shall have been paid.
2. That the work is to be completed within six (6) months after the permit has been issued by the Administrative Official.
3. That applicant shall file with the Administrative Official the route to be taken in so moving/removing the building and length of time which may be consumed in the work.
4. The applicant shall also file with the Finance Officer a sufficient bond so that will indemnify the City and any public utility for any damage done to any property, street, alley or public grounds, and to guarantee that the building will be placed on an adequate foundation, will be attached to the City's electrical, water and sewer service where available, that the property on which said building is to be located will be properly landscaped and seeded in accordance with requirements of the Administrative Official, said bond to be in a minimum of five hundred dollars (\$500).
5. No building shall be moved other than during the period from daylight to sundown.
6. Before any permit is granted under this section, the applicant must furnish proof that all taxes legally assessed against the property have been paid. 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.
7. No building or part of any building shall be allowed to stand still in any public street or public ground in the City for more than twenty-four (24) hours consecutively.
8. Nothing in the permit shall be construed as authorizing the holder thereof or his agents to break, injure or move any light or telephone poles or wires, or in any way injure shade trees or other property without the permission of the owner or owners thereof.
9. When no replacement structure is to be moved in or constructed, the applicant shall agree to restore the lot to a buildable condition. This may include but is not limited to concrete basement removal, collapsing of the basement walls, earthwork, landscaping and/or reseeding.

CHAPTER 4.16 MANUFACTURED HOME PROVISIONS.

Section 4.16.01 Modular Homes.

Modular homes shall meet the following regulations.

1. Modular homes shall meet or exceed International Building Codes.
2. Modular homes will include all off-site constructed homes, which may be transported to the site in one or more sections.
3. Modular homes shall have more than one thousand (1,000) square feet in ranch style and eight hundred fifty (850) square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.

4. Modular homes shall have a minimum of a 3/12 roof pitch.
5. Modular homes shall have siding material of a type customarily used on site-constructed residences.
6. Modular homes shall have roofing material of a type customarily used on site-constructed residences.

Section 4.16.02 Type I and Type II Manufactured Homes.

1. For the purpose of this Ordinance, manufactured homes will be regulated by type. Two types of homes are defined under these regulations.

A. Type I manufactured home shall:

- i. Have more than one thousand one hundred (1,100) square feet of occupied space in a double section or larger multi section unit.
- ii. The running gear and hitch have been removed.
- iii. Has been anchored to a foundation and permanent footing.
- iv. The foundation shall be (a) an approved wood basement constructed of 2 x 6 frame work and treated with water resistant materials; or (b) a foundation shall be constructed with eight inches poured concrete or concrete block.
- v. The footing to be a minimum of eight (8) inches thick by sixteen (16) inches wide poured concrete with top of footing to be sixteen (16) inches below grade.
- vi. Prior to placement of a home on the foundation, it must be inspected and approved by the Administrative Official.
- vii. Have a gabled roof with a pitch of at least 3/12 feet.
- viii. Have siding material of a type customarily used on site-constructed residences.
- ix. Have roofing material of a type customarily used on site-constructed residences.
- x. The age of the manufactured house may not exceed ten (10) years from the date of manufacture.

B. Type II manufactured home shall:

- i. Have more than seven hundred (700) square feet of occupied space in a single, double, expando or multi-section unit.
- ii. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in 4.16.02.B.2.

- iii. 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.
- iv. Have siding material of a type customarily used on site-constructed residences.
- v. Have roofing material of a type customarily used on site-constructed residences.
- vi. The age of the manufactured house may not exceed ten (10) years from the date of manufacture.
- vii. Be placed onto a support system in accordance with approved installation standards, as specified in Section 4.16.02.B.2.

2. Installation standards

A. Permanent Perimeter Enclosure as required for Type I and II Manufactured Homes. Those manufactured homes designated in this Ordinance, 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).

B. Foundation Siding/Skirting

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

C. Support System

- i. 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.
- ii. 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.

3. 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 for a period of one year, the land thereafter must be used in conformity with all provisions of this Ordinance.

4. Replacement of Nonconforming Homes.

See 2.02.03.6

5. Structural Alteration.

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

6. Variance from Maximum Age Requirement

Type I and Type II manufactured homes may receive a variance from the maximum age requirement (Sections 4.16.02.1.a.11 and 4.16.02.1.b.7). The Board of Adjustment may grant a variance if the applicant requesting the placement of the manufactured home meets the following requirements:

- A. The applicant shall provide a photograph of the manufactured home's exterior and interior.
- B. That it shall have been shown to the satisfaction of the Board of Adjustment that the said manufactured home complies with the gas, plumbing, electrical, and construction requirements of the City of Volga.
- C. The applicant shall obtain and present to the Board of Adjustment the written consent of sixty-six (66) percent of the property owners owning property immediately adjacent (excluding streets and alleys) to the proposed building site.

CHAPTER 4.17. MANUFACTURED HOME PARKS MINIMUM STANDARDS.

Section 4.17.01. General Requirements:

Manufactured home parks shall meet the following minimum standards:

0. 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 twenty-eight (28) feet in width where parking is permitted on both sides, and twenty-four (24) 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.

1. Open Space or Buffer Zone.

A landscaped buffer area of ten (10) feet in width shall be provided and maintained around the perimeter of the park, except where walks and drives penetrate the buffer.

2. Lot Area.

Each lot provided for the occupancy of a single manufactured home unit shall be not less than fifty (50) feet in width and have an area of not less than five thousand five hundred (5,500) square feet, and the same shall be defined by markers at each corner.

3. Density.

No park shall be permitted an average net density of manufactured home lots of more than eight (8) units per acre and each park shall provide an area of not less than three (3) acres.

4. Spacing and Yard Requirements.

All manufactured housing units will be positioned on the manufactured home space in compliance and accordance with the zoning requirements at the time of establishment of the manufactured home Park. Manufactured home parks established after the effective date of this ordinance, will comply with the following:

A. Front Yard.

All manufactured homes shall be located at least twenty (20) feet from any road or street. The distance will be measured from the wall of the structure to the street or roadway at the closest point.

B. Side and Rear Yards.

All manufactured homes shall have minimum side yards of seven (7) feet and a minimum rear yard of ten (10) feet.

C. 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 (4) 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 home, garage, canopy, carport, or addition thereto.

Detached accessory buildings with a projected room area of not more than one hundred and twenty (120) square feet may project into a required side or rear yard provided it is located no closer than four (4) feet to another structure or right-of-way.

D. 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.

5. Parking

Two (2) off-street automobile parking spaces shall be provided for each manufactured home. Such off-street parking spaces shall be set aside in a location convenient to the occupants of the trailer or camping units and shall have ingress and egress 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.

6. Refuse Collection

One refuse collection station shall be provided, with a minimum of one (1) two-yard dumpster situated on a concrete, screened on four sides, for each twelve (12) families or fractions thereof, conveniently located to serve tenants not more than one hundred fifty (150) feet from any trailer unit served, and to be conveniently located for collection.

7. Recreation Area

The developer of the manufactured home park shall dedicate No less than eight (8%) percent of the gross site area shall to recreational facilities appropriate to the needs of the occupants. The designated recreation area shall approved by the Planning Commission.

8. Storm Shelter

Management shall provide or make arrangements for a suitable storm shelter for residents of the park.

9. On-Site management

Each manufactured home park shall provide on-site management by the owner or his representative at all times to supervise the management, repairs, maintenance and janitorial work connected therewith and to see that all provisions of this Chapter are complied with.

10. Water Supply and Distribution System and Sewage Disposal:

Each manufactured home shall be connected to the City sewer and water system.

11. Tie down Requirements

All recreational vehicles placed in the same location for more than one hundred eighty (180) days and 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.

12. Maximum Age Limitation:

No manufactured home placed within a manufactured home park with the City limits of Volga may exceed fifteen (15) years from the date of manufacture.

13. Expansion.

Existing manufactured home parks may be extended to a total area of less than one (1) acre provided the area of expansion complies with all other regulations herein set forth.

14. Building/Moved-in Building/Use Permit Required

Whenever a manufactured home is moved into a manufactured home park, a permit from the Administrative Official shall be required.

16. 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.

Section 4.17.02. Application Procedure:

Each application for a 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:

The following requirements pertain to manufactured home parks:

1. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to Federal and State highways, and to County, Township, or City roads and streets;
2. Property lines and square footage of the proposed park;
3. Location and dimensions of all easements and right-of-ways;
4. Proposed general layout, including parking and recreation areas;
5. General street and pedestrian walkway plan;
6. 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.

Section 4.17.03 Manufactured Housing Subdivisions.

Nothing in this Ordinance shall be construed to prohibit subdividing an approved manufactured home park development into individual owner occupied lots. However, any such development shall be required to meet the subdivision regulations of the City of Volga.

CHAPTER 4.18. ADULT USES.

In the development and execution of these regulations, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

Section 4.18.01 Setbacks.

1. None of the following uses may be established, operated or maintained within five hundred (500) feet of a residence, a church, a school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public park.
 - A. Adult bookstore.
 - B. Adult motion picture theater.
 - C. Adult photo studio.
 - D. Adult Entertainment Facility.
 - E. Any use which has as a part of its operation an adult use component including, but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - F. Any use intended to provide adult amusement or entertainment.
2. Not more than two of the following uses may be established, operated or maintained within three hundred fifty (350) feet of each other:
 - A. Adult bookstore.
 - B. Adult motion picture theater.
 - C. Adult photo studio.
 - D. Adult entertainment facility.
 - E. Any use which has as a part of its operation an adult use component including, but not limited to, a restaurant or eating place, a bar, lounge or tavern.
 - F. Any use intended to provide adult amusement or entertainment.
 - G. A bar.
 - H. A liquor store.

3. The 350-foot restriction provided for in 4.18.01.2 above may be waived and a conditional use permit issued upon proper application if the Board of Adjustment finds:
 - A. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these regulations will be observed.
 - B. That the proposed use will not enlarge or encourage the development of a 'skid row' area.
 - C. That all applicable regulations will be observed.

Section 4.18.02. Required License.

It shall be unlawful for any person to engage in the business of operating an adult use in the City of Volga without first having obtained a license from the City Council.

Section 4.18.03. Application; Standards for Issuance.

1. Application for an adult use license shall be made in writing and shall state the following:
 - A. The name, address, telephone number and age of the applicant and the registered agent of the applicant if the applicant is a corporation.
 - B. The location of the adult use business.
 - C. The exact nature of the adult use to be conducted and of the proposed place of business and the facilities related thereto.
 - D. A statement by the applicant that he is familiar with the provisions of this article and is in compliance with them.
 - E. A statement of whether the business will be conducted by a manager and, if so, the name, address, telephone number, and age of each such manager.
 - F. A statement that no manager or principal operating the business has been convicted of any offense of prostitution, soliciting for prostitution, or obscenity or public indecency as defined in the South Dakota Compiled Statutes within the last two (2) years, and that the applicant has not had any license for an adult use in any other community revoked within the last two (2) years.
2. Within fifteen (15) days after receipt of an application for an adult use license, the City Council shall investigate the information contained in the application and shall determine the following:
 - A. That the premises designated by the applicant as the location of the business are in full compliance with all applicable ordinances of the City, including zoning ordinances.
 - B. That the premises and each manager and employee comply with the provisions of Section 4.18.03.1 as such provisions apply to them.

- C. That the applicant, each manager and each employee are over twenty-one (21) years of age.
 - D. That no manager or principal operator of the business has been convicted of any offense of prostitution, solicitation for prostitution, or obscenity or public indecency, as defined in the South Dakota Compiled Statutes within the last two (2) years, and that the applicant has not had any license for an adult use revoked within the last two (2) years.
- 3. If the investigation shows the compliance of the applicant for an adult use license, the premises upon which the business is to be conducted and each manager and employee, if applicable, with each of the requirements established in subsections (1) and (2) of this section, and with the conditions and regulations set forth in Section 4.18.03 within fifteen (15) days after completion of such investigation, the City Council shall issue a license, and upon payment by the applicant of the license fee required under this article, the license shall be issued.
 - 4. If the investigation shows that the applicant for an adult use license, the premises on which the business is to be conducted, or the managers and employees, if applicable, do not comply with each of the requirements established in subsection (1) of this section, and with the conditions and regulations set forth in Section 4.18.04 within fifteen (15) days after completion of such investigation, the City Council shall notify the applicant in writing that the license has been denied. Such denial shall be the final administrative action of the City with respect to the license application, and shall be subject to the immediate appeal by the applicant to the circuit court.

Section 4.18.04. Conditions & Regulations Governing Operation; Violation; Penalty.

- 1. The following regulations shall govern and control the business of operating an adult use in the City of Volga:
 - A. No person under twenty-one (21) years of age shall be allowed on the licensed premises.
 - B. At all times during the hours of operation there shall be present a manager or other employee of the licensee who shall be not less than twenty-one (21) years of age.
 - C. Upon a change of any manager conducting business for the licensee, the licensee shall, within ten regular business days, give the City Council written notice of such change by actual delivery or by registered or certified mail. The licensee shall, thereafter, as promptly as practicable, but in any event within five (5) regular business days, provide the information concerning the new manager which is required in Section 4.18.03.
 - D. No adult use shall be located on premises for which a license to sell alcoholic liquor has been issued, and no alcoholic liquor shall be permitted on such premises.
 - E. No adult use shall be permitted unless the premise on which such business is located complies with the requirements of the zoning ordinance.
 - F. No licensee or manager under the provisions of this article shall knowingly permit any person to remain in or upon licensed premises who commits any act of public indecency or obscenity as defined in the South Dakota Compiled Statutes.

- G. No licensee or manager under the provisions of this article shall permit any act of prostitution, solicitation for prostitution or patronization of a prostitute on the licensed premises.
 - H. No sign shall be posted on the licensed premises which depicts, displays or refers to specified anatomical areas or specified sexual activities, as defined in this article.
2. In addition to the requirements established in Section 4.18.04.1, the following regulations shall govern and control the operation of an adult bookstore which offers any films or videotapes for viewing on premises by use of motion picture devices or other such operations means:
 - A. All viewing areas, which shall be defined as the area where a patron or customer would ordinarily be positioned while watching a film or viewing device, shall be visible from a continuous main aisle or public room and shall not be obscured by any curtain, door, wall or other enclosure.
 - B. There shall be no aperture whatsoever in any wall or partition between viewing areas.
 - C. Each viewing area shall be lighted at a minimum level of ten (10) foot candles in all parts thereof.
 3. In addition to the requirements established in Section (1) of this section, the following regulations shall govern and control the operation of an adult entertainment facility:
 - A. All performers shall be at least twenty-one (21) years of age.
 - B. All performances, exhibitions or displays shall take place on a platform raised at least two feet from the level of the floor, and located at least ten (10) feet from any patron.
 - C. No performer shall fondle or caress any patron or other performer and no patron shall fondle or caress any performer.
 - D. No patron shall be permitted to pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.
 4. It shall be unlawful for any person licensed to engage in the business of operating an adult use within the City to fail to comply with the conditions and regulations set forth in subsections 4.18.03 and 4.18.04 of this section as they are applicable to the licensed business, or to suffer or permit noncompliance with such conditions and regulations on or within the licensed premises. In this regard, any act or omission of an employee shall be deemed the act or omission of the owner if such act or omission occurred either with the authorization, knowledge or approval of the owner or as a result of the owner's negligent failure to supervise the employee's conduct. All conduct occurring while on the premises shall be presumed to be the responsibility of the owner.
 5. Any person convicted of a violation of this section shall be subject to a fine pursuant to Section 1.02.02 of this Ordinance.

Section 4.18.05. Suspension or Revocation.

Nothing in the terms of this article shall preclude the right of the City Council to suspend or revoke the license of the licensee, as follows:

1. The City Council may temporarily suspend any license issued under the terms of this article when he has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, he may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the licensed premises closed for not more than seven (7) days; provided, that the licensee shall be given an opportunity to be heard in a public hearing during the seven (7)-day period, and further provided that if such licensee shall also be engaged in the conduct of other business on the licensed premises, such order shall not be applicable to such other businesses.
2. The City Council may suspend or revoke any license issued under the terms of this article upon ten (10) days notice to the licensee of the time and place of a public hearing, and a public hearing at which the licensee may appear and present evidence, if the City Council determines upon such hearing that the licensee has failed or refused to comply with the terms of this article, has failed or refused to comply with other law applicable to the business of operating an adult use, has knowingly permitted the failure of any manager or employee on the premises to comply with the terms of this article or with other law applicable to the business of operating an adult use, has knowingly furnished false or misleading information on any application required for any license under this section or has suffered or caused another to furnish or withhold such information on his behalf, or has been convicted by a court of competent jurisdiction of a violation of any provision of this section.

CHAPTER 4.19. OUTDOOR STORAGE AND DISPLAY.

For the purpose of maintaining high standards of site planning and landscape design which will create an environment attractive to businesses and acceptable to adjacent land uses the City of Volga establishes the following requirements for outdoor storage and display in commercial and industrial zoning districts.

Section 4.19.01. Outdoor Storage and Display Allowed.

Outdoor storage and display as defined herein is allowed in commercial and industrial districts within the City of Volga as identified in Table 4.19.01.

Table 4.19.01

	Accessory Use	Conditional Use	Prohibited Use
C-1 General Commercial District	✓*		
C-2 Highway Commercial District	✓*		
I-1 Light Industrial District	✓*		
I-2 Heavy Industrial District	✓*		

*Outdoor Storage and display is subject to the requirements of Sections 4.19.02 and 4.19.03.

Section 4.19.02. Conditions Regulating Outdoor Storage and Display.

Outdoor display as defined herein may be allowed as a Permitted Use provided the following requirements are met:

1. A site plan specifying the items to be displayed outside, the location of those items is presented to the Administrative Official
2. Items displayed outside shall not occupy any required side, rear, or front yard.
3. Items displayed outside shall not occupy any number of parking spaces which would diminish compliance with Chapter 4.05.

Section 4.19.03. Application Procedure for Outdoor Storage and Display.

In any district allowing outdoor storage or display as a conditional use, in addition to the requirements of Chapter 3.05, the applicant is required to submit the following to the Board of Adjustment:

1. A site plan specifying the items to be stored or displayed outside, the location of those items and the means of screening (if any) those items from the public and adjacent property owners.
2. Notification of one hundred (100) percent of the owners of any property in any residentially zoned district (R-1, R-2, R-3, and PUD) within two hundred fifty (250) feet of the proposed use will require inclusion of site plan.
3. Notification of one hundred (100) percent of the owners of any property in any commercially zoned district (C-1 and C-2) adjacent to the proposed use will require inclusion of site plan.

Section 4.19.04. Prohibition on Storage of Junk

No storage yard for junk shall be allowed on any lot in an Industrial Zone that is within five hundred (500) feet of a residential zone.

CHAPTER 4.21. HOME OCCUPATION.

A home occupation is a business conducted in a dwelling unit, provided that the occupation is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use. For the purposes of minimizing conflicts with neighboring residentially used property, the City of Volga has established minimum performance standards for home Occupations.

Section 4.21.01. Performance Standards.

1. No person other than 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 subordinated to its use for residential purposes by its occupants, and not more than 25 percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Exception: in-home day cares providing care for less than 12 children in a 24-hour period may utilize more than twenty-five percent (25%) of the floor area of the dwelling unit;
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 (2) square-foot in area, non-illuminated, and mounted flat against the wall of the principle building; and
4. 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. 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.
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.
6. Notwithstanding the preceding standards, any operation that provides care for more than 12 children in a 24-hour period shall not be considered a home occupation.

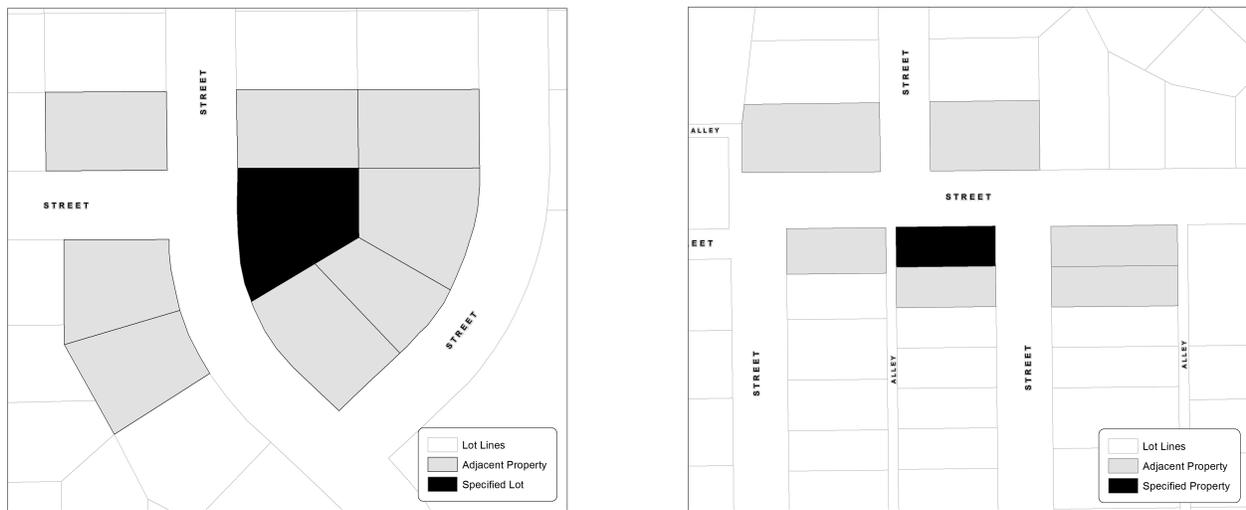
ARTICLE V DEFINITIONS

CHAPTER 5.01 GENERAL TERMS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the word “building” shall include the word “structure,” and the word “shall” is mandatory and not discretionary; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word “lot” includes the words plat or parcel and the words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied. Any word not herein defined shall be as defined in any recognized Standard English Dictionary.

Accessory Use or Structure: As applied to use or structure means customarily incidental or subordinate to, and on the premises of such use or structure.

Adjacent Property: Any lot, parcel, or property bordering by means of adjoining, abutting, or intersecting a specified lot boundary, and those lots immediately across a public right-of-way from a specified lot. See Figures Below:



Adult Bookstores: An establishment having, as a substantial portion of its stock in trade, books, magazines, films or videotapes for sale or viewing on the premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished by their emphasis on matter depicting, describing or relating to specified Sexual Activities or Specified Anatomical Areas as such terms are defined in this section, or an establishment with a segment or section devoted to the sale or display of such material. Adult bookstores may alternatively or in conjunction with the above stock in trade sell undergarments and other clothing designed for the display of Specified Anatomical Areas or for the enhancement of Specified Sexual Activities. Further, an adult bookstore may alternatively or in conjunction with the above stock in trade sell prosthetic devices, dolls, candles, vibrators and other objects for sexual gratification which take the form of Specified Anatomical Areas and for the purpose of enhancing Specified Sexual Activities.

Adult Entertainment Facility: Means an establishment offering to its patrons, as entertainment, any exhibition or display or any theatrical or other live performances which include topless or go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any persons singing, reading, posing, modeling, or serving food or beverages, where the exhibition, performance, display or dance is intended to sexually arouse the entertainer or the patrons, or where the attire of persons involved is such as to expose specified anatomical areas, as defined in this section.

Adult Motion Picture Theater: An enclosed building, regardless of its seating capacity which is used to present for public view on the premises, films, movies, previews, trailers or advertisements which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

Adult Photo Studio: An establishment which, on payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas", as herein defined.

Adult Use: The term "adult use" shall include adult entertainment facility, adult bookstores, adult motion picture theaters, and adult photo studios as defined in this section.

Airport: A place where aircraft can land and takeoff, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers, including heliports.

Alley: A minor way, dedicated to public use, which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

Agriculture: The cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry or fur bearing animals.

Animal unit: One animal unit is equivalent to 1.0 beef cow, steer, feeder or fat beef animal, 0.5 horse; 0.7 dairy cow; 1.7 swine; 6.7 sheep/goats; 55 turkeys; 5 ducks/geese; 33 hens, cockerels, capons, broilers.

Apartment House: An apartment house is a detached dwelling designed for, or occupied by, four or more family units.

Automobile Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. This definition does not include storage, body repair or auto salvage operations.

Bar/lounge: An establishment that is licensed to sell alcoholic beverages by the drink.

Basement : A basement is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bed and Breakfast (B & B's): A private single-family residence, which is used to provide, limited meals and temporary accommodations for a charge to the public. Such establishments should be located where there will be minimal impact on surrounding residential properties and should comply with the following conditions:

1. B & B's shall be limited to residential structures with an overall minimum of one thousand eight hundred (1,800) square feet of floor. Preference will be given to structures with historic or other unique qualities.
2. They shall be in compliance with applicable state laws including registration with the South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
3. Accessory use signs shall be based on similar requirements for a home occupation permit and shall not be more than one (1) square foot in area.
4. Such uses shall be an incidental use with an owner occupied principle dwelling structure provided that not more than four bedrooms in such dwelling structure shall be used for such purpose.
5. Off-street parking requirements shall be one space per guestroom and shall be in addition to parking requirements for the principle use. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property.
6. The length of stay shall not exceed fourteen (14) days during any one hundred twenty-- (120) day consecutive period.
7. Meals shall be limited to breakfast, which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.
8. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with application.

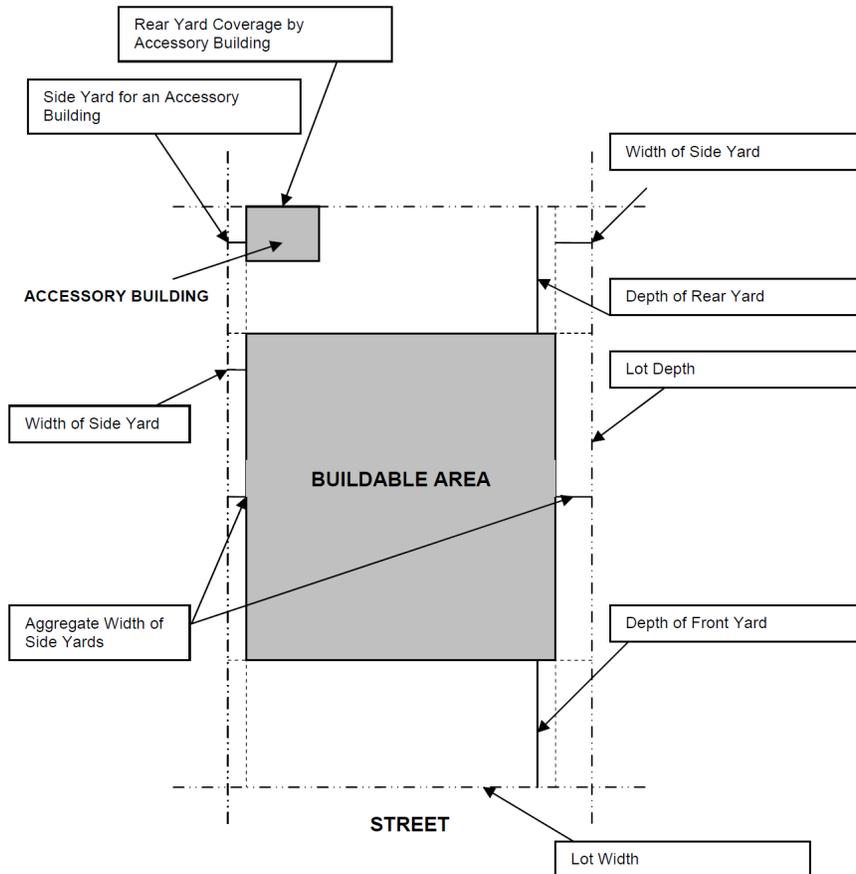
Block: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

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

Buffer: The use of land, topography, space, fences, or landscape planting to partially screen a use or activity from another property and thus reduce undesirable views or influences.

Buildable Area: That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards. The diagram below illustrates the buildable area of a hypothetical lot. This diagram is for reference only. Setbacks and other requirements vary from district to district. (See illustration below).

Buildable Area Illustration



Building: The word “building” includes the word “structure” and is a structure which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings.

Building Height: The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Building Line: Is a line on the lot running parallel to the required horizontal distance from the nearest property line.

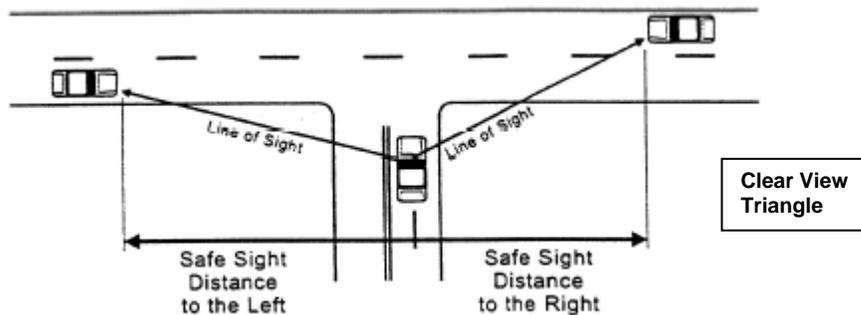
Campground: Shall mean a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units can be located and occupied as temporary living quarters. Campgrounds for tent trailers and recreational vehicles shall be sited with consideration for access to the property. The campground shall be designed to minimize the impact from adjacent major thoroughfares.

Car Wash: A facility used to clean the exterior, and sometimes the interior, of automobiles.

Caretaker's Residence/Watchman's Quarters: A Dwelling unit which is occupied by one who is employed by a business located on the same premises or within the same structure as said dwelling unit.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Clear View Triangle: A triangular-shaped portion of land established at street intersections and ingress/egress points in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection (see illustration below).



Commercial Storage, Mini-Storage Facilities: Individual locker storage facilities (frequently with some accessory outdoor vehicle/boat storage) primarily for the benefit of residential or small business users in which are kept household items, business records, vehicles, recreational equipment, etc.

Comprehensive Plan: The adopted long-range plan intended to guide the growth and development of The City of Volga.

Conditional Use: A use that would not be appropriate generally or without restriction throughout the zoning district by which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted by the Board of Adjustment when specific provision is made in this ordinance. Conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature.

Condominium: The ownership of single units in a multi-unit residential structure with common elements. (With the property subject to the condominium regime established pursuant to SDCL 4315A)

Construction: Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

Contractor Shops And Storage Yards: Those facilities to include structures and land areas where the outdoor storage of equipment and supplies used for various types of off-site construction are stored. Examples of equipment and supplies include but are not limited to the following – road construction, building construction, gravel operations, and general contracting services.

Convenience Store: Any retail establishment offering for sale pre-packaged food products, household items, and other goods commonly associated with the same, at which a customer typically purchases only a few items during a short visit.

Court: An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Day Care Center: Any operation, which provides childcare services. To be considered a Day Care Center under these regulations, the State of South Dakota must license such operation.

Density: The number of families, individuals, dwelling units, or housing structures per unit of land.

Development: The carrying out of any surface or structure construction, reconstruction or alteration of land use or intensity of use.

Dwelling: Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

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

Dwelling, Two Family: A 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 in the same structure, and containing independent cooking and sleeping facilities.

Electronic Message Sign: A sign whose message may be changed at intervals by electronic process or remote control and whose only movement is the periodic changing of information having a constant light level.

Engineer: Means any engineer licensed by the State of South Dakota.

Evergreen or coniferous tree: For the purposes of this ordinance is defined as any cone bearing shrub or tree and any plant that retains its foliage throughout the year which is a minimum height of four feet measured above immediate ground level.

Extended Home Occupation: A home occupation conducted outside of the residence and/or in an accessory building. See Chapter 4.19.

Family: One or more individuals living, sleeping, cooking or eating on the premises as a single housekeeping unit; but it shall not include a group or more than five individuals not related by blood or marriage.

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, and 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 forty-five (45) days or more during any twelve (12) month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility.

Fence: A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry or other similar material and is used as a barrier of some sort.

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 normally found at places which sell gasoline at retail.

Flammable Liquids: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of eighty (80) degrees Fahrenheit, is flammable.

Flashing Sign: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.

Game Lodge: A building or group of two (2) or more detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged with or without meals, and in which there are sleeping quarters.

Garage, Private: An accessory building used for the storage of not more than four (4) vehicles owned and used by the occupant of the building to which it is necessary. Vehicles include cars, pickups, and boats, but not commercial vehicles.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automobile body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage, Storage: Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

Governmental Agency: An organized entity which, in addition to having governmental character, has sufficient discretion in the management of its own affairs to distinguish it as separate from the administrative structure of any other governmental unit. This definition shall be deemed to include, but is not limited to The City of Volga, Brookings County, the State of South Dakota, and any school district serving the City of Volga.

Grade: The finished grade of premises improved by a building or structure is the average natural elevation or slope of the surface of the ground within fifty (50) feet of the building or structure.

Greenhouse: A building whose roof and sides are made largely of glass regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Gross floor area: The total area of all floors of a building, including intermediately floored tiers, mezzanine, basements, etc., as measured from exterior surfaces of the outside walls of the building.

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

Height of Structure: The vertical distance from the established average sidewalk grade of street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

High Voltage Transmission Line: A conductor of electric energy and associated facilities.

Home Occupation: See Chapter 4.21

Household 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.

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: The use of more than fifty (50) square feet of any land, building, or structure, whether for private or commercial purposes, or both, where waste discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded vehicles, paper, rags, rubber, cordage, barrels, machinery, etc., or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

Kennel: Any place, including pet shelters, where more than three (3) dogs or cats over four (4) months of age are owned, boarded, raised, bred or offered for sale.

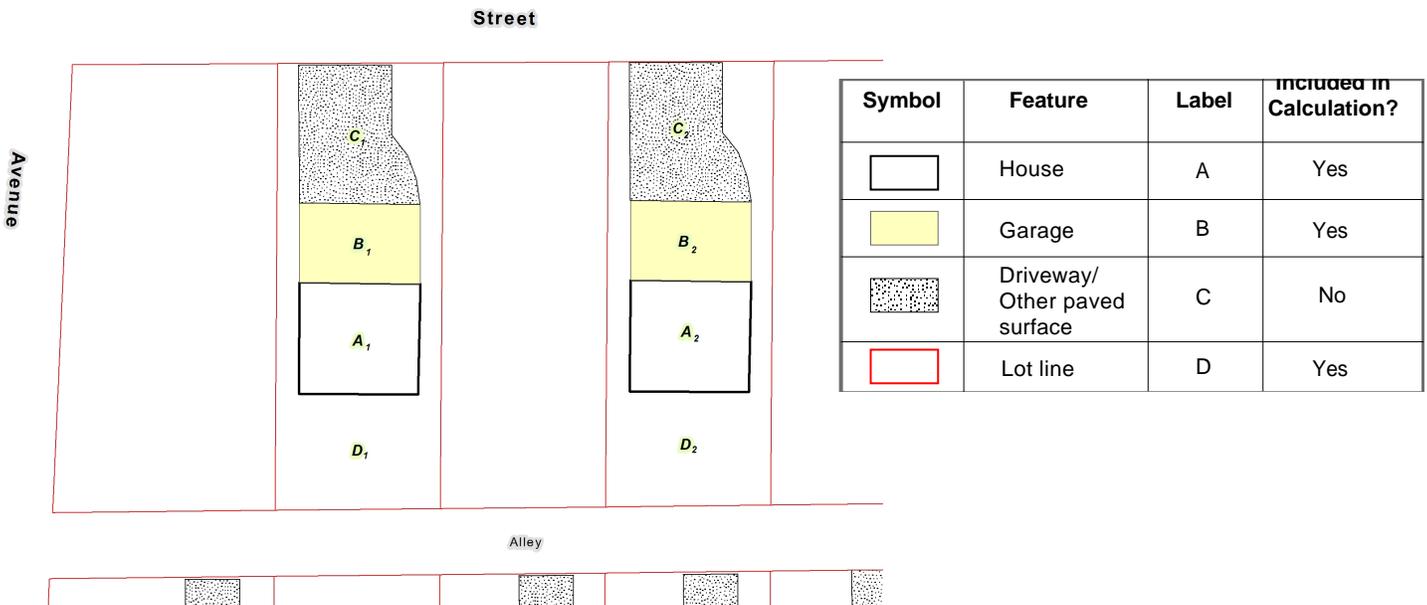
Light Manufacturing: Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

Loading Space, Off street: Space logically and conveniently located for bulk pickups and deliveries, scaled to 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 of-street parking space in computation of required off-street parking space.

Lot: A parcel or tract of land having specific boundaries and which has been recorded in the Register of Deeds office. A lot shall include only one (1) principal building together with its accessory buildings; open spaces and parking spaces required by these regulations and shall have its principal frontage upon a road or other approved access.

Lot Coverage: The percentage determined by dividing the area of a lot covered by the total (in square feet of: (A) the footprint of the primary structure; and (B) the footprint(s) of all accessory structures by the total lot area. (See formula and figure below):

$$\text{Formula: } \frac{(A + \sum B)}{C} = \text{Lot Coverage}$$



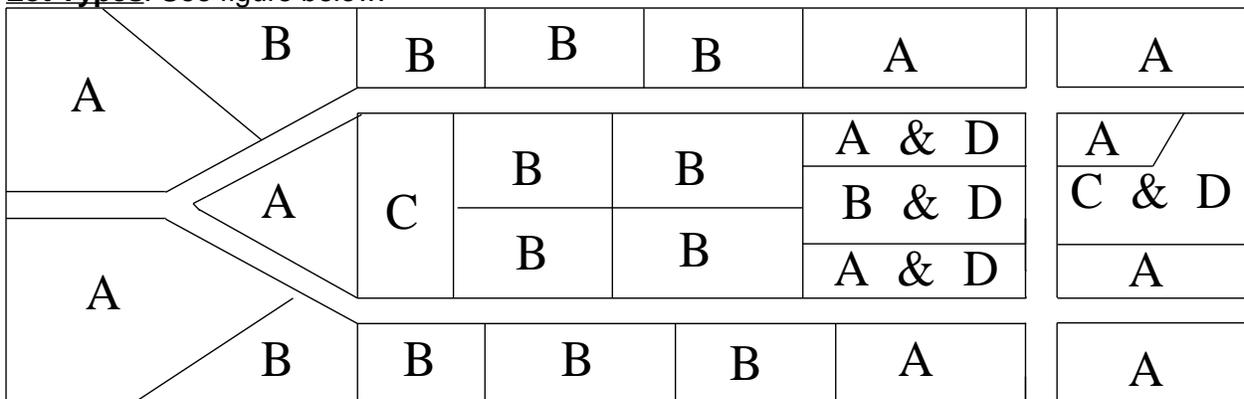
Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Minimum frontage for lots located on cul-de-sacs shall be determined as the average of the widest and narrowest width of the lot.

Lot Measurements:

1. **Depth:** The average mean horizontal distance between the front and rear lot lines.
2. **Width:** The width of a lot at the front yard line.
3. **Area:** The lot area is the area of a horizontal plane in square feet or acres within the lot line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Brookings County Register of Deeds, prior to the adoption of Ordinance Number 234 on February 5, 1996.

Lot Types: See figure 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. (Lot A)
- B. **Interior Lot:** Defined as a lot other than a corner lot with only one frontage on a street. (Lot B)
- 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. (Lot C).
- 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 (Lot A & D in the diagram), an interior lot (Lot B - D in the diagram) or through lot (Lot C & D in the diagram).

Manufactured Home: See Chapter 4.16

Manufactured Home Park: See Chapter 4.17

Manufactured Housing Definitions

1. **Anchoring System** – An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.
2. **ANSI/NFPA 501A Standards for Installation of (Manufactured) Mobile Homes** – Model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and Manufactured Housing Institute.

3. **Expando Unit** – An expandable manufactured housing unit.
4. **Foundation Siding/Skirting** – A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured.
5. **Permanent Perimeter Enclosure** – A permanent structural system completely enclosing the space between the floor joists of the home and the ground.
6. **Permanent Foundation** – Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the same bearing capacity of the supporting soil.
7. **Section** – A unit of a manufactured home at least ten (10) body feet in width and thirty (30) feet in length.
8. **Support System** – A pad or combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

Mining: The excavation of earth materials for the purpose of sale.

Modular Home: See Chapter 4.16

Moved-In Building: A building that previously existed on a lot of different location relocated for use as a residence, out-building, commercial, industrial or any building used in relation to these uses shall be recognized as a moved-in building.

Motel/Hotel: A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Nonconforming Use: Any building or structure, or land lawfully occupied by a use at the time of passage of this ordinance or amendment which does not conform after the passage of this Ordinance or amendment with the use regulation of the district in which it is situated.

Non-standard Use: The category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this ordinance which fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this ordinance.

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

Outdoor Display: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. This definition excludes new and used sale, lease, or rental of automobiles, trucks, motorcycles, recreational vehicles, boats, or watercraft.

Outside Storage: Outside storage is the keeping of commodities, goods, raw materials, equipment, vehicles, heavy vehicles, or merchandise not within an enclosed building, including incidental maintenance and repair of the material which is being stored. This definition excludes new and used sale, lease, or rental of automobiles, trucks, motorcycles, recreational vehicles, boats, or watercraft. Parking of company owned automobiles that are currently registered, licensed, and operable will be excluded. Materials and equipment that are transferred from an enclosed building for an outdoor sales display are not considered outside storage.

Parcel: A single tract of land, located within a single block, which at the time of filing for a Building/Use Permit, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the Building/Use Permit are issued and including such area of land as may be required by the provisions of this Ordinance for such use, building or structure.

Parking Space, Off-street: 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 related access to a public street or alley, and maneuvering room. For purposes of rough computation, an off-street parking space may be estimated at three hundred (300) square feet.

Parking Space: A space for parking of automobiles which has a minimum width of nine (9) feet and a minimum length of nineteen (19) feet.

Permit: A permit required by these regulations unless stated otherwise.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: In addition to an individual, includes the following terms: “firm”, “association”, “organization”, “partnership”, “trust” “company”, or “corporation” joint venture, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Personal Services: These establishments offer a wide range of personal services (laundry, hair care, etc.).

Planning Commission: The members of the City Council serving in an advisory capacity on planning and zoning matters.

Plat: The map, drawing or chart on which the subdivider’s plan of subdivision is legally recorded.

Principal Use: The primary use to which the premises are devoted.

Recreational Vehicle: A motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy. A recreational vehicle does not include manufactured homes.

Religious Institution: Any building used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to: church, temple, synagogue, and mosque.

Route: The location of a High Voltage Transmission Line between two end points. The route may have a variable width of up to 1.25 miles.

Sale or Auction Yard or Barn: A place or building where the normal activity is to sell or exchange livestock. Livestock normally in yard or farm for one day during sale or auction.

Sanitary Landfills: Method of waste disposal involving the dumping and daily covering of waste material all in compliance with State regulations.

Scale or Auction Yard/barn: A place or building where the normal activity is to sell or exchange livestock. Livestock normally in yard or farm for one day during sale or auction.

Service Station, Automobile: Any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.

Setback: The setback of a building is the minimum horizontal distance between the front line or street line and the nearest edge of any building or any projection thereof, except cornices and unenclosed porches, and entrances vestibules and window bays projecting not more than three and one-half (3 1/2) feet from the building and not more than fifty (50) square feet in area, and which do not extend above the first story of the building.

Screening: Earthforms, walls, fences, plant material or other structures or devices intended to partially obscure, conceal or protect from off-site view.

Sheet Siding: Any siding material customarily installed as a sheet and composed of galvanized, painted or bonded metal, and customarily installed in a vertical manner but also capable of being installed horizontally.

Shopping Center: Retail buildings of greater than 100,000 square feet and designed for more than one tenant.

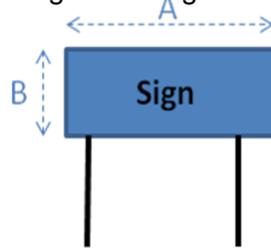
Sign: Any object, device, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include:

1. National or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

2. Signs not exceeding one (1) 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;
3. Legal notices, identification, information, 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; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

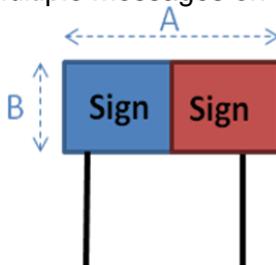
Sign Area: The total area or areas of all signs within the outer edges of the sign or advertising message. Sign area may be calculated in the following manners:

- A. A single message on a single sign face.



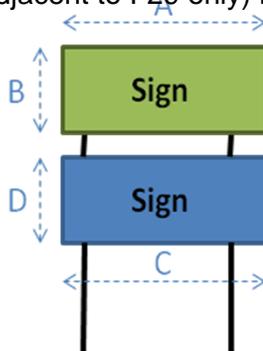
$$\text{Area} = A \times B$$

- B. Multiple messages on a single sign face:



$$\text{Area} = A \times B$$

- C. (Adjacent to I-29 only) Multiple messages on stacked signs:



$$\text{Area} = (A \times B) + (C \times D)$$

Sign (Ground): A sign which is anchored to the ground and has no air space between grade and the bottom of the frame or sign facing.

Sign (Off-Premise): A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign (On-Premise): A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign (Parking): A sign which provides specific instruction to the public, including but not limited to: "Center," "Exit," "No Parking," "Drive Through." No parking sign shall be permitted to include any commercial message.

Sign (Pole): A freestanding sign wholly supported by one or more poles.

Sign (Portable): Any sign not permanently attached to the ground or other permanent structure designed to be transported from structure to structure or site to site at periodic intervals. Portable signs include signs attached to or painted on vehicles, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are temporary signs.

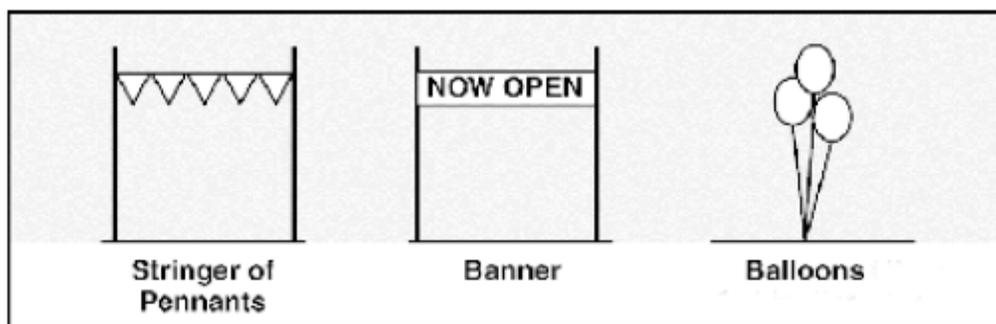
Sign (Projecting): Any sign that is affixed at an angle or perpendicular to a wall of any building in such a manner as to be read either perpendicular or at an angle to the wall on which it is mounted.

Sign (Real Estate): A sign placed upon property for the purpose of advertising the sale, lease, or availability for rent of property.

Sign (Roof): A sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall constitute any message placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Sign Structure: Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

Sign (Temporary): Any sign used for varying periods of time which is not permanently attached to the ground or other permanent structure. See below examples of Temporary Signs (not all inclusive)



Sign (Wall): A sign placed flat against a structure, fence or wall. Signs painted onto a wall, fence, or structure are wall signs.

Sleeping Quarters: A room or an area contained within a dwelling unit utilized for the purpose of sleep.

Specified Anatomical Areas means:

1. Less than completely and opaquely covered human or animal genitals, pubic region, or pubic hair, buttocks; and female breasts below a point immediately above the top of the areola; and
2. Genitals of humans or animals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities means:

1. Human or animal genitals in the state of sexual stimulation or arousal.
2. Acts or representations of acts of human or animal masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation.
3. Fondling or erotic touching of human or animal genitals, pubic region, buttock or female breast.
4. Excretory functions as part of or in connection with any activities set forth in an Adult Bookstore or "Adult Entertainment Facility".

Stable: A building for the shelter and feeding of domestic animals, especially horses and cattle.

Stable, Commercial: A building for the shelter and feeding of domestic animals, especially horses and cattle where such domestic animals are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.

Stand, roadside: A structure for the display and sale of products with no space for customers within the structure itself.

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

Story, first: The lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than 50 percent of the total perimeter, or more than eight (8) feet below grade at any point.

Street Line: A right-of-way line of a street.

Street: A public right-of-way which affords the principal means of access to abutting property. Also may be referred to as road or highway. The term street shall include and apply to any public way except alleys.

1. **Arterial Street.** A street designated as such upon the Major Street Plan of the Comprehensive Land Use Plan of the City of Volga.
2. **Collector Street.** A street designated as such upon the Major Street Plan of the Comprehensive Land Use Plan of the City of Volga.
3. **Local Street.** Any street which is not an arterial street or collector street.

Strip Malls: Retail buildings of less than 100,000 square feet and designed for more than one tenant.

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, swimming pools, signs, ponds and lagoons.

Structure, Temporary: Anything constructed or erected, or placed, the use of which requires temporary location on the ground or attached to something having a temporary location on the ground.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building developments (whether immediate or future). This term includes resubdivision and, when appropriate to the context, is related to the process of subdividing or to the land subdivided.

Substantially Completed: This term refers to the amount of work required to be completed in association with a Building/Use Permit issued by the City. In order to be substantially complete, seventy-five (75) percent of the project for which a Building/Use Permit has been issued is required to be finished.

Trailer. Means any of the following:

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

Twin Homes. A two-family dwelling which has a common wall and is platted into two (2) separate lots.

Use: The purpose for which land or premises or a building thereof is designated, arranged or intended, or for which it is or may be occupied or maintained.

Utility: Any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipal utility.

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 result 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-conforming in the zoning district or uses in an adjoining zoning district.

Veterinary Clinic: A commercial activity catering to the medical needs of animals and having no outside runs.

Waste: Any garbage, refuse, manure, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and 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 materials as defined by the Atomic Energy act of 1954, as amended.

Watchman's Quarters: See Caretaker's Residence/Watchman's Quarters.

Wholesale Merchandising/Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wetlands: Any area where ground water is at or near the surface at least six (6) months of the year; the boundary of which shall be defined as that area where the emergent aquatic vegetation ceases and the surrounding upland vegetation begins.

Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line.

Yard, front: A yard extending between the side lot lines across the front of a lot adjoining a public right-of-way.

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 districts 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 district; and (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 adjoining 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 Line. See Lot Line:

Yard, rear: A yard across the whole width of the lot, extending from the rear line of the building to the rear line of the lot. In the case of through lots and corner lots, where there will be no rear yards, but only front and side yards.

Yard, required: That portion of a side, front, or rear yard nearest the designated lot line and having the width or depth required in the district in which located.

Yard, side: A yard between the building and the adjacent sideline of the lot, which separates it from another lot, extending from the front lot line to the rear yard. In the case of through lots and corner lots, side yards remaining after the full and half-depth front yards have been established shall be considered side yards.

Zero Lot Line: The location of a building on a lot in such a manner that the side of a building rests on a lot line.

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