

City of Crooks  
Planning and Zoning Commission  
Meeting agenda

Date: 03/27/2023

Time: 7:00pm/CST

Location: Crooks Community Center (701 S West Ave, Crooks, SD, 57020)

- 1) Call to order
- 2) Approve posted agenda
- 3) Approve meeting minutes
- 4) Open Comments
- 5) Public hearings:
  - a. Recommendation to adopt revised Crooks Zoning Regulations
- 6) New business: None.
- 7) Old business: None.
- 8) Adjourn



City of Crooks  
Planning and Zoning Commission  
Notice of Hearing

Notice is hereby given that the Crooks Planning and Zoning Commission will hold a hearing at 7:00pm/CST on the 27<sup>th</sup> day of March, 2023 at the Crooks Community Center (701 S West Ave, Crooks, SD, 57020) regarding the recommendation to adopt revised zoning regulations for the City of Crooks.

Notice is further given that at the time and place of aforesaid any person may appear and be heard upon all matters pertaining to the hearing. Interested parties may appear personally or through their designated agent(s), attorney(s), or representative(s). Anyone unable to attend may submit written comments prior to the hearing at in-person at the municipal office (701 S West Ave, Crooks, SD) or via email at fo@crookssd.org.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Crooks Finance Officer at (605) 543-5238. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Any interested party may appear personally or by their agent or attorney.

Scott Richardson  
Planning and Zoning Director

Published:  
Published once at the approximate cost of: \$

# **2023 Revised Crooks Zoning Regulations**

*Prepared by the South Eastern Council of Governments at the direction of the  
Planning Commission and City Council of the City of Crooks, South Dakota.*

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# Chapter 1 – General Provisions

## **1.01 Title and Application**

These regulations shall be referenced to as Zoning Ordinances of the City of Crooks.

## **1.02 Jurisdiction**

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

## **1.03 Purpose**

These regulations have been based on the Crooks Comprehensive Plan adopted and in conformance with Chapter 11-4 and 11-6 of the South Dakota Codified Laws. These regulations are designed to carry out the goals, objectives, and policies of the Comprehensive Plan.

The Zoning Ordinances are intended to:

- Lessen congestion in the streets;
- Secure safety from fire, panic, and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent overcrowding of land;
- Avoid undue concentrations of populations; and
- Facilitate the adequate provision of transportation, water, sewers, school, parks, and other public necessities.

## **1.04 Provisions of Ordinance Declared to be Minimum Requirements**

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

## **1.05 Penalties for Violation**



Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions established in granting of Variances, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be subject to the penalties established by South Dakota law. Each day such violation continues shall be considered a separate offense.

### **1.06 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.

### **1.07 Repeal of Conflicting Ordinances**

All prior ordinances or parts of prior ordinances in conflict with this ordinance are hereby declared repealed.

### **1.08 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 Crooks, as provided for by South Dakota law.

# Chapter 2 – Districts and Boundaries

## 2.01 Districts Designated

The City is hereby divided into the following districts:

- NRC Flood Plain/Conservation
- R-1 Residential – Single Family
- R-2 Residential – Multi-Family
- R-3 Residential – Manufactured Housing
- CB Central Business
- GB General Business
- LI Light Industrial
- HI Heavy Industrial

## 2.02 Adoption of Official Zoning Map

The Official Zoning Map for the City of Crooks, on record with the Finance Officer, is hereby adopted by reference and declared to be a part of this ordinance.

## 2.03 Changes to Official Zoning Map

Changes to or replacements of the Official Zoning Map shall require amendment of these regulations by ordinance, as provided in Chapter 18.01 of these regulations.

## 2.04 Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following platted lot lines or city limits shall be interpreted to follow such platted lot lines or city limits;
- B. Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks;

- C. Boundaries indicated as approximately following the center lines of streets or other rights-of-way, or streams or other bodies of water, shall be interpreted to follow such center lines;
- D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are a variance with those shown on the Official Zoning Map, the Board of Adjustment, as established in Chapter 16, shall interpret the district boundaries;
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a Conditional Use Permit, the extension of the regulations for either portion of the lot into the remaining portion of the lot.

## **2.05 Annexations**

In all territories which may hereafter be annexed to the City of Crooks, the zoning districts as they exist in Minnehaha County shall be continued until otherwise changed by ordinance.

# Chapter 3 – NRC: Natural Resource Conservation District

## 3.01 Permitted Uses

The purpose of this district is to preserve lands best suited for natural drainage areas, public open space, and agricultural uses from encroachment by incompatible uses. The area will also provide protection from floods and erosion, to protect views, to preserve natural settings for wildlife habitats, to add to the aesthetic quality of the community, and to lessen the urban density.

<b><u>Permitted Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Agriculture</b>	12.02
<b>Farm Dwelling, Single-Family</b>	12.02, 12.04, 12.09, 12.10 and not within identified floodplain area
<b>Golf Course</b>	12.02, 12.04, 12.06; One freestanding sign as allowed within 12.06
<b>Public Park Areas</b>	12.02, 12.06
<b>Electrical Substation</b>	12.02, 12.10; An opaque screen, six feet in height located at all setback lines
<b>Public Utility Facility</b>	12.02, 12.04, 12.06, 12.10 One freestanding sign as allowed within 12.06

<b>Cemeteries</b>	12.02 and not within an identified flood plain area; One freestanding sign as allowed within 12.06; At least 2 acres in size and adequate road system within cemetery
<b>Fences</b>	12.07
<b>Bed and Breakfast</b>	12.13 and all applicable farm dwelling standards; One freestanding sign as allowed within 12.06
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; (see definition)

### 3.02 Conditional Uses

<u>Conditional Use</u>	<u>Applicable Standards</u>
<b>One additional single-family dwelling or manufactured home</b>	19.01 Said dwelling shall be located within the farmstead perimeter; All farm dwelling, single-family requirements apply; Not within an identified floodplain area
<b>Wireless Communication Facility on existing support structure</b>	12.08, 19.01, and not within an identified floodplain area
<b>Municipally Owned Waste Water Treatment Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Home Occupation</b>	12.11, 19.01, and all applicable dwelling standards

<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01
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### 3.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 12.04).

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<b><u>All Uses</u></b>	5 Acres	150 feet	75 feet	30 feet	50 feet	35 feet

**Exceptions:**

- #1 See Adjustments to Yard Regulations (Chapter 12) for specific exceptions.

# Chapter 4 – R-1: Single Family Residential District

The purpose of this district is to provide for certain low density residential areas the City has now developed primarily with one family detached dwellings and where similar development is likely to occur.

## 4.01 Permitted Uses

<b><u>Permitted Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Single-Family Detached Dwellings</b>	12.02, 12.04, 12.06, 12.09, 12.10
<b>Churches</b>	12.02, 12.04, 12.10; All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06
<b>Libraries</b>	12.02, 12.04, 12.10; All parking lots being 8 feet from all residential properties; One freestanding sign as allowed within 12.06
<b>Schools</b>	12.02, 12.04, 12.07, 12.10; All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06
<b>Electrical Substation</b>	12.02, 12.10; An opaque screen, six feet in height located at all setback lines
<b>Neighborhood Utilities</b>	12.02

<b>Fences</b>	12.07
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; <i>(see definition)</i>

## 4.02 Conditional Uses

<b><u>Conditional Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Single-Family Attached Dwelling (up to 2)</b>	12.02, 12.04, 12.06, 12.09, 12.10, 19.01
<b>Group Day Care</b>	19.01; A safe pickup and drop off area must be provided for children; All applicable dwelling standards apply
<b>Bed and Breakfast</b>	12.13, 19.01, and all single-family detached dwelling standards apply One freestanding sign as allowed within 12.06
<b>Group Home (see definition)</b>	19.01; Structure must be a single housekeeping unit; Applicant must provide copy of state agency license; All single-family detached dwelling standards apply
<b>Private Garage (as a principal use)</b>	19.01
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01



### 4.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 12.04). Lot coverage shall not exceed 50% in R-1 Districts.

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<b><u>Single Family Detached</u></b>	9,600 sq. ft.	80 feet See #1	25 feet See #4	7 feet	30 feet	35 feet
<b><u>Single Family Attached (2) 2 Lots</u></b>	4,800 sq. ft.	40 feet	25 feet See #4	0' or 7' on nonparty wall side	30 feet	35 feet
<b><u>Single Family Attached (2) 1 Lot</u></b>	9,600 sq. ft.	80 feet	25 feet See #4	7 feet	30 feet	35 feet
<b><u>All Other Uses</u></b>	9,600 sq. ft.	80 feet	25 feet See #4	7 feet	30 feet	35 feet

**Exceptions:**

- #1 A residence may be constructed on a lot-of-record which has a lot width of less than 80 feet.
- #2 For a lot located on a cul-de-sac bulb, the required lot width will be measured at the required front yard setback line; however, the minimum lot width at the right-of-way line shall not be less than 50 feet.
- #3 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #4 One required front yard may be reduced to 20 feet on corner lots.

#5 See also Adjustments to Yard Regulations (Chapter 13) for other specific exceptions.

# Chapter 5 – R-2: Multi-Family Residential District

The purpose of this district is to provide for certain high density residential areas the City has now developed primarily with single-family, two-family, and multiple family dwellings and where similar development is likely to occur.

## 5.01 Permitted Uses

<b><u>Permitted Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Multiple Dwellings</b>	12.02, 12.04, 12.09, 12.10; One freestanding sign as allowed within 12.06
<b>Single-Family Detached Dwellings</b>	12.02, 12.04, 12.06, 12.09, 12.10
<b>Single-Family Attached Dwellings</b>	12.02, 12.04, 12.06, 12.09, 12.10; This includes town homes and duplexes
<b>Churches</b>	12.02, 12.04, 12.10; All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06
<b>Libraries</b>	12.02, 12.04, 12.10; All parking lots being 8 feet from all residential properties; One freestanding sign as allowed within 12.06
<b>Schools</b>	12.02, 12.04, 12.07, 12.10; All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06

<b>Electrical Substation</b>	12.02, 12.10; An opaque screen, six feet in height located at all setback lines
<b>Neighborhood Utilities</b>	12.02
<b>Fences</b>	12.07
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; <i>(see definition)</i>

## 5.02 Conditional Uses

<u>Conditional Use</u>	<u>Applicable Standards</u>
<b>Group Day Care</b>	19.01; A safe pickup and drop off area must be provided for children; All applicable dwelling standards apply
<b>Home Occupation</b>	12.11, 19.01, and all applicable dwelling standards
<b>Assisted Living Facility</b>	12.04, 12.10, 19.01; Applicant must provide copy of Department of Health license; One freestanding sign as allowed within 12.06
<b>Bed and Breakfast</b>	12.13, 19.01, and all single-family detached dwelling standards apply One freestanding sign as allowed within 12.06

<b>Nursing Home</b>	12.02, 12.04, 12.10, 19.01; Applicant must provide copy of Department of Health license; One freestanding sign as allowed within 12.06
<b>Group Home (see definition)</b>	19.01; Structure must be a single housekeeping unit; Applicant must provide copy of state agency license; All single-family detached dwelling standards apply
<b>Convent/Monastery</b>	12.02, 12.04, 12.06, 12.10, 19.01; One freestanding sign as allowed within 12.06
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01

### 5.03 Lot and Yard Regulations

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<b><u>3 to 8 Multiple Dwelling Units</u></b>	7,500 sq. ft.	50 feet	25 feet See #4	7 feet See #1	10 feet	35 feet
<b><u>9 to 12 Multiple Dwelling Units</u></b>	20,000 sq. ft.	75 feet	25 feet See #4	15 feet	10 feet	35 feet
<b><u>Over 12 Multiple Dwelling Units</u></b>	30,000 sq. ft.	100 feet	25 feet See #4	15 feet	10 feet	35 feet

<b><u>Single-Family Detached</u></b>	7,500 sq. ft.	75 feet See #2	25 feet See #4	7 feet	25 feet	35 feet
<b><u>Single-Family Attached</u></b>	6,500 sq. ft.	30 feet	25 feet See #4	0' or 10' on nonparty wall side	25 feet	35 feet
<b><u>All Other Uses</u></b>	7,500 sq. ft.	75 feet	25 feet See #4	15 feet	25 feet	35 feet

**Exceptions:**

- #1 The side yard will be required to be increased to 10 feet when the building is three stories in height or more.
- #2 A residence may be constructed on a lot-of-record which has a lot width of less than 75 feet.
- #3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #4 One required front yard may be reduced to 20 feet on corner lots.
- #5 See also Adjustment to Yard Regulations (Chapter 13) for other specific exceptions.

# Chapter 6 – R-3: Manufactured Housing Residential District

The purpose of this district is to provide for high density residential areas in the City that may be developed for all types of manufactured housing and support facilities.

## 6.01 Permitted Uses

<u>Permitted Use</u>	<u>Applicable Standards</u>
<b>Manufactured Homes in Licensed Manufactured Home Parks</b>	12.02, 12.03, 12.04, 12.06, 12.10, 12.12; Municipal code regulations regarding manufactured home parks
<b>Manufactured Homes</b>	12.02, 12.03, 12.04, 12.06, 12.10, 12.12; Municipal code regulations regarding manufactured home parks
<b>Electrical Substation</b>	12.02, 12.10; An opaque screen, six feet in height located at all setback lines
<b>Neighborhood Utilities</b>	12.02
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; (see definition)

## 6.02 Conditional Uses

<u>Conditional Use</u>	<u>Applicable Standards</u>

<b>Churches</b>	12.02, 12.04, 12.10, 19.01 All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06
<b>Schools</b>	12.02, 12.04, 12.07, 12.10, 19.01; All parking lots being 8 feet from all residential properties; One of the principle frontages shall abut upon an arterial or collector street; One freestanding sign as allowed within 12.06
<b>Group Day Care</b>	19.01; A safe pickup and drop off area must be provided for children; All applicable dwelling standards apply
<b>Group Home (see definition)</b>	19.01; Structure must be a single housekeeping unit; Applicant must provide copy of state agency license; All single-family detached dwelling standards apply
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01

### 6.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definition). A parking lot is not included as a portion of a side yard or rear yard (see 12.04).

- A. Each manufactured home park shall be at least five (5) acres.
- B. The licensed manufactured home park shall be surrounded by a landscaped area 25 feet wide along all public streets and all manufactured home park boundaries.
- C. The entrance to the manufactured home park shall be allowed one freestanding sign as allowed for specific uses in Chapter 12.06.

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
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<b><u>Residential Uses</u></b>	5,500 sq. ft.	50 feet	25 feet	5 feet **	25 feet	35 feet
<b><u>Corner Lots</u></b>	6,000 sq. ft.	60 feet	25 feet *	5 feet **	25 feet	35 feet
<b><u>All Other Uses</u></b>	6,000 sq. ft.	60 feet	25 feet	15 feet	25 feet	35 feet

\* One required front yard may be reduced to 20 feet

\*\* The side yard will be required to be increased to 10 feet when the building is 3 stories in height or more.

**Exceptions:**

#1 See also Adjustments to Yard Regulations (Chapter 13) for other specific exceptions.

# Chapter 7 – CB: Central Business District

The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the City’s Main Street Commercial Core. The grouping of uses is intended to preserve and improve the character and economic vitality of Main Street.

## 7.01 Permitted Uses

<u>Permitted Use</u>	<u>Applicable Standards</u>
<b>Retail Trade or Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Office</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Personal Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Hotel/Motel</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Gasoline Dispensing Station</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Public Utility Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Mortuary</b>	12.02, 12.04, 12.05, 12.06, 12.10

<b>Private Club</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Churches</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Arcade</b>	12.02, 12.04, 12.05, 12.06, 12.10; Subject to not being located within 500 feet of an adult use*
<b>Rooming/Boarding House</b>	12.02, 12.04, 12.05, 12.06, 12.12; Subject to the residence being constructed above first floor
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; (see definition)
<b>Fences</b>	12.07
<b>Commercial Parking Lots/Parking Ramps</b>	12.02, 12.04, 12.06, 12.10

\* Measured from the closest point of the outside walls of both structures.

## 7.02 Conditional Uses

<u>Conditional Use</u>	<u>Applicable Standards</u>
<b>Dwellings</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; No dwelling shall be located on the first floor

<b>Adult Oriented Business</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; SDCL 11-12-2,3
<b>Electrical Substation</b>	12.02, 12.10, 19.01; An opaque screen, six feet in height located at all setback lines
<b>Wireless Communication Facility on existing support structure</b>	12.08, 19.01, and not within an identified floodplain area
<b>Day Care Center</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Adequate and safe playground area with a fence four (4) feet high (see 12.07)
<b>Motor Vehicle Repair Shop</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01 Subject to adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days.
<b>Off/On-Sale Alcoholic Beverage Establishment</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Telecommunications Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01
<b>Cannabis Dispensary</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.15, 19.01

### 7.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see Chapter 12.04).

- A. The average front and rear yard setback existing on each street shall apply.
- B. There are no side yard or lot area restrictions.
- C. See also Adjustments to Yard Regulations (Chapter 13) for specific exceptions.
- D. When abutting a residential district, uses, and structures shall have a minimum front yard of 25 feet, minimum side yards of 7 feet, and minimum rear yard of 30 feet.
- E. The maximum height of all buildings and structures shall not exceed 45 feet.

# Chapter 8 – GB: General Business District

The purpose of this district is to provide a commercial area for those establishments service the general shipping needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

## 8.01 Permitted Uses

<u>Permitted Use</u>	<u>Applicable Standards</u>
<b>Retail Trade or Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Office</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Personal Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Hotel/Motel</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Motor Vehicle Service Station/Gas Dispensing Station</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Printing Plant</b>	12.02, 12.04, 12.05, 12.06, 12.10

<b>Hospital/Clinic</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Public Utility Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Mortuary</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Private Club</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Churches</b>	12.02, 12.04, 12.05, 12.06, 12.10; All parking lots being 8 feet from all residential properties
<b>Arcade</b>	12.02, 12.04, 12.05, 12.06, 12.10; Subject to not being located within 500 feet of an adult use*
<b>Greenhouse/Nursery</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Car Wash</b>	12.02, 12.04, 12.05, 12.06, 12.10; Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site
<b>Motor Vehicle Sales, Display, and Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Farm Store, Feed Store</b>	12.02, 12.04, 12.05, 12.06, 12.10; Subject to only accessory storage of fertilizer or farm chemicals on the site

<b>Commercial Recreation Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; <i>(see definition)</i>
<b>Commercial Parking Lots/Parking Ramps</b>	12.02, 12.04, 12.06, 12.10
<b>Cannabis Dispensary</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.15

\* Measured from the closest point of the outside walls of both structures

### 8.02 Conditional Uses

<u>Conditional Use</u>	<u>Applicable Standards</u>
<b>Adult Oriented Business</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; SDCL 11-12-2,3
<b>Electrical Substation</b>	12.02, 12.10, 19.01; An opaque screen, six feet in height located at all setback lines
<b>On/Off-Sale Alcoholic Beverage Establishment</b>	12.01, 12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Wireless Communication Facility on existing support structure</b>	12.08, 19.01, and not within an identified floodplain area



<b>Telecommunications Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Day Care Center</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Adequate and safe playground area with a fence four (4) feet high (see 12.07)
<b>Motor Vehicle Repair Shop</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01 Subject to adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days.
<b>Off-Premise Signs</b>	12.02, 12.06, 19.01
<b>Veterinarian</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; No outdoor kenneling of dogs within 1,000 feet of a residential area*
<b>Bus Passenger Terminal</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Broadcast Tower</b>	12.02, 12.08, 12.10, 19.01; Subject to being located at least 300 feet from a residential district*
<b>Campground</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Lot must contain at least 2,000 sq. ft. and supplied with city water and sanitary sewer services; access road on the campground site shall be paved or surfaced in a similar manner to the adjacent public roads, shall be approved by the City, and shall be 14 feet for one way and 20 feet for two way roads
<b>Kennel</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Located 1,000 feet from residential district area*
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01

\* Measured from the closest point of the outside walls of both structures.

### 8.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see Chapter 13.04).

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<u>All Uses</u>	N/A	0 to 50 feet	25 feet See #3	7 feet See #1, 3	5 feet See #2	45 feet
<u>All Uses</u>	N/A	51 to 100 feet	25 feet See #3	7 feet See #1, 3	5 feet See #2	45 feet
<u>All Uses</u>	N/A	101 or more feet	25 feet See #3	7 feet See #1, 3	5 feet See #2	45 feet

#### Exceptions:

- #1 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #2 A rear yard of 30 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#4 See also Adjustment to Yard Regulations (Chapter 13) for other specific exceptions.

# Chapter 9 – LI: Light Industrial District

This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park-like setting.

## 9.01 Permitted Uses

<u>Permitted Use</u>	<u>Applicable Standards</u>
<b>Wholesale Trade</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Light Manufacturing</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Contractor’s Shop/Storage Yard</b>	12.02, 12.04, 12.05, 12.06, 12.10; Subject to screening of all outdoor storage from view
<b>Office</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Public Utility Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Frozen Food Locker</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Wireless Communication Facility on Existing Structure</b>	12.02, 12.04, 12.05, 12.06, 12.10

<b>Printing Plant</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Motor Vehicle Service Station</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Electrical Substation</b>	12.02, 12.10; Opaque screen, six feet in height, located as far back as all setback lines
<b>Lumberyard</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Retail Trade or Service</b>	12.02, 12.04, 12.05, 12.06, 12.10; Only when it is an accessory use when in conjunction with the primary use of wholesaling or manufacturing
<b>Truck or Bus Wash</b>	12.02, 12.04, 12.05, 12.06, 12.10; All water from the truck or bus wash being contained on the site
<b>Truck Repair, Sales, and Service</b>	Subject to no unscreened outdoor storage of parts
<b>Farm Store or Feed Store</b>	12.02, 12.04, 12.05, 12.06, 12.10; Only accessory storage of fertilizer or farm chemicals on the site
<b>Farm Implement Sales, Display, and Service</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; (see definition)

<b>Cannabis Dispensary</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.15
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## 9.02 Conditional Uses

<b><u>Conditional Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Telecommunications Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Off-Premise Sign</b>	12.02, 12.06, 19.01
<b>Bus/Truck Terminal</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Recycling Collection or Processing Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Screening of all recyclable material from view
<b>Automobile Storage Yard</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Screening of the storage yard with fence, berm vegetation or placement on the lot
<b>Broadcast Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Located at least 300 feet from a residential district
<b>Motor Vehicle Repair Shop</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; An adequate number of parking spots to store the cars and screen parts and materials from view

<b>Warehouses, mini-warehouses</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.16, 19.01
<b>Consumer Storage Units</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.16, 19.01
<b>Municipally Owned Waste Water Treatment Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01

### 9.03 Lot and Yard Regulations

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<b><u>Mini-Warehouse</u></b>	10,000 sq. ft.	100 feet*	25 feet* See #4, #5	15 feet* See #5	20 feet*	45 feet
<b><u>All Uses</u></b>	N/A	75 feet	25 feet See #4	10 feet See #2, 4	30 feet See #3	45 feet See #1

\* These requirements apply to the commonly owned space or common space owned by the owner of an individually platted lot. This is the space that surrounds the individually platted lots. For setbacks related to the individually platted lots, see Exception #7.

#### **Exceptions:**

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet. (See 19.01).
- #2 A side yard of 15 feet shall be required only where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 35 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #5 See also Adjustments to Yard Regulations (Chapter 13) for other specific exceptions.
- #6 Waste water treatment facilities are exempt from minimum yard or setback requirements.
- #7 Zero lot line option: Mini-warehouses held in common ownership and located on a single lot line shall observe the standard setback rules prescribed above. However, the lot may be subdivided into separate lots upon which individually owned mini-warehouses are located if the lots to be created through the subdivision process are individually platted. In such event, the setbacks for the individually platted lots shall be as follows:
  - a. Front Yard Setback(s): Zero (0) feet.
  - b. Rear Yard Setback(s): Zero (0) feet.
  - c. Side Yard Setback(s): Zero (0) feet.

Mini-warehouses composed of two (2) or more individually platted lots already utilizing the zero lot line option described above shall not be considered Non-Conforming.

This exception only applies if the individually platted lots are surrounded by either: (1) a space commonly owned by the owners of the individually platted lots; or (2) a common space surrounding the individually platted lots that is entirely owned by the owner or owners of an individually platted lot. The common space surrounding the individually platted lots shall meet all applicable requirements found in the Lot and Yard Regulations table above.





# Chapter 10 – HI: Heavy Industrial District

This district is intended to provide for general industrial uses which may create some nuisance, and which are not properly associated with, nor compatible with residential, office, or commercial establishments. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration, or heat when applicable.

## 10.01 Permitted Uses

<b><u>Permitted Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Wholesale Trade</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>General Manufacturing Other Than Those Listed Below</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Farm Store or Feed Store</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Contractor’s Shop/Storage Yard</b>	12.02, 12.04, 12.05, 12.06, 12.10; Subject to screening of all outdoor storage from view
<b>Public Utility Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Frozen Food Locker</b>	12.02, 12.04, 12.05, 12.06, 12.10
<b>Wireless Communication Facility on Existing Support Structure</b>	12.02, 12.04, 12.05, 12.06, 12.10

<b>Electrical Substation</b>	12.02, 12.10; An opaque screen, six feet in height, must be located as far back as all setback lines
<b>Retailing</b>	12.02, 12.04, 12.05, 12.06, 12.10; Being an accessory use when in conjunction with a primary use of wholesaling or manufacturing
<b>Bus and Truck Wash</b>	12.02, 12.04, 12.05, 12.06, 12.10; All water from the truck or bus wash being contained on the site
<b>Truck Repair, Sales, and Service</b>	12.02, 12.04, 12.05, 12.06, 12.10; No unscreened outdoor storage of parts
<b>Fruit and Vegetable Canning and Processing</b>	12.02, 12.04, 12.05, 12.06, 12.10; Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Refining</b>	12.02, 12.04, 12.05, 12.06, 12.10; Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area
<b>Motor Vehicle Repair Shop</b>	12.02, 12.04, 12.05, 12.06, 12.10; An adequate number of parking spots to store the cars and screen parts and materials from view
<b>Accessory Use and Structure (i.e. garage, shed, etc)</b>	12.02, 12.03; (see definition)
<b>Airport</b>	12.02, 12.04, 12.05, 12.06, 12.10; Traffic to and from the airport will not travel on residential streets and the location will not be within ½ mile of a residential district

**10.02 Conditional Uses**

<b><u>Conditional Use</u></b>	<b><u>Applicable Standards</u></b>
<b>Bus/Truck Terminal</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Telecommunications Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01
<b>Off-Premise Signs</b>	12.02, 12.06, 19.01
<b>Recycling Collection Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height
<b>Manufacture of: Acid, Alcohol, Ammonia, Asphalt, Bleach, Cement, Chlorine, Dyestuffs, Explosives, Fertilizer, Glue, Gypsum, Lime, Oils, Paint, Plaster or Paris, Shellac, Sizing, Turpentine or Yeast</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Stockyards/Slaughtering of Animals</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Rendering</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area
<b>Distillation of Products</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Paper Manufacturing; Smelting; Boilerworks</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area

<b>Tank Farm; Petroleum Products Terminal</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Compliance with the City's fire and health code and traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Grain Terminal; Grain Processing</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods
<b>Salvage Yard</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Being sited off the main thoroughfares of the City, ½ mile from a residential district and be screened from view; the owner shall agree to control rodents as a condition of the permit
<b>Manufacture and Storage of Electric Transformers</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Chemicals associated with the transformers will be contained in an acceptable manner
<b>Quarry</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Subject to the site being located at least 1,000 feet from commercial or residential properties
<b>Automobile Storage Yard</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Screenings of the storage yard with fence, berm, vegetation or placement on the lot
<b>Recycling Processing Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Any outdoor storage of recyclable materials must be within opaque screened area at least six feet in height and all processing operations must be fully enclosed
<b>Broadcast Tower</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Being located at least 300 feet from a residential district
<b>Solid Waste Transfer Facility</b>	12.02, 12.04, 12.05, 12.06, 12.10, 19.01; Screening of the storage area with fence, berm, vegetation or placement on the lot; Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area
<b>Warehouse, mini-warehouse</b>	12.02. 12.04. 12.05. 12.06. 12.10. 12.16, 19.01

<b>Consumer Storage Units</b>	12.02, 12.04, 12.05, 12.06, 12.10, 12.16, 19.01
<b>Accessory Structure (i.e. garage, shed, etc.) which does not meet the requirements as allowed within Chapter 12.03</b>	19.01

### 10.03 Lot and Yard Regulations

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
<b><u>Mini-Warehouse</u></b>	10,000 sq. ft.	100 feet*	25 feet* See #4, #5	15 feet* See #5	20 feet*	45 feet
<b><u>All Uses</u></b>	N/A	N/A	25 feet See #4	7 feet See #2, 4	30 feet See #3	45 feet See #1

\* These requirements apply to the commonly owned space or common space owned by the owner of an individually platted lot. This is the space that surrounds the individually platted lots. For setbacks related to the individually platted lots, see Exception #6.

#### **Exceptions:**

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet. (See 19.01).
- #2 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.

- #3 A rear yard of 35 feet shall be required where a lot is adjoined to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a double frontage. There shall be a required front yard on each street side of a corner lot.
- #5 See also Adjustment to Yard Regulations (Chapter 13) for other specific exceptions.
- #6 Zero lot line option: Mini-warehouses held in common ownership and located on a single lot line shall observe the standard setback rules prescribed above. However, the lot may be subdivided into separate lots upon which individually owned mini-warehouses are located if the lots to be created through the subdivision process are individually platted. In such event, the setbacks for the individually platted lots shall be as follows:
  - d. Front Yard Setback(s): Zero (0) feet.
  - e. Rear Yard Setback(s): Zero (0) feet.
  - f. Side Yard Setback(s): Zero (0) feet.

Mini-warehouses composed of two (2) or more individually platted lots already utilizing the zero lot line option described above shall not be considered Non-Conforming.

This exception only applies if the individually platted lots are surrounded by either: (1) a space commonly owned by the owners of the individually platted lots; or (2) a common space surrounding the individually platted lots that is entirely owned by the owner or owners of an individually platted lot. The common space surrounding the individually platted lots shall meet all applicable requirements found in the Lot and Yard Regulations table above.

# Chapter 11 – PUD: Planned Unit Development District

## 11.01 Intent Compliance with Comprehensive Plan

- A. It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for planned unit development district projects to:
  - 1. Encourage well-planned, efficient urban development.
  - 2. Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
  - 3. Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features, including but not limited to underground parking, orientation or design to take advantage of solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces or other desirable design features.
  - 4. Improve communication and cooperation among the city, land developers, and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.
  
- B. The developments within the Planned Unit Development District shall comply with the policies and design standards of the City of Crooks Comprehensive Plan. The development shall be mutually compatible with adjacent projected developments.

## 11.02 Procedure

- A. Initial Development Plan.
  - 1. When a petitioner wants to request a rezoning to the Planned Unit Development District, it shall be submitted to the Director of Planning Zoning, showing the information specified in 11.03 INITIAL DEVELOPMENT PLAN, a minimum of 30



days prior to the Planning Commission meeting at which consideration is desired. After the planned unit development request has been reviewed, the Planning Commission shall make a recommendation to the City Council on the requested rezoning. The City Council shall then act to approve or deny the request.

2. This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in 18.01 of the 2009 Revised Crooks Zoning Regulation. No building permit shall be issued within the development until the final development plan is approved and the plat is filed.

B. Final Development Plan.

1. Prior to construction on any lots in the Planned Unit Development, the petitioner shall present a final development plan showing the information specific in 11.04 FINAL DEVELOPMENT PLAN, to the Planning Commission, who shall have the sole authority to approve, deny, or amend the plan.
2. The final development plan may be submitted in conjunction with the initial development plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an initial and final development plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.
3. Signs shall be posted on the property for a continuous period of 7 days immediately prior to any public hearing held by the Planning Commission or City Council to consider any final development plan. The signs shall be furnished by the Zoning Administrator and posted by the applicant in the numbers and locations prescribed by the Zoning Administrator.
4. Before any action shall be taken by the Planning Commission, the applicant shall first file with the Zoning Administrator a certificate verifying that the signs have been posted at the proper location before the time specified by this section.

C. Amendments.

1. Major Amendments. Major Amendments to the initial and/or final development plan shall be required to be approved with a public hearing in the same manner as provided for in 11.05. AMENDMENTS.
2. Minor Amendments.
  - a. Minor amendments to the initial and/or final development plan shall be required to be approved by the Planning Commission. Notice of the hearing shall be given by the posting of not less than 2 signs provided by the Zoning Administrator. Before any action shall be taken by the Planning Commission, the applicant shall first file with the Zoning Administrator a certificate verifying that the signs have been posted at the proper location and for the time specified.
  - b. Minor amendments to the initial development plan may also be made by the submission and approval of a final development plan which is changed from the approved initial development plan. Any amendments shall be shown as a change from the initial development plan on the final development plan, and further these changes shall be made on the initial development plan on file with the County Register of Deeds.
3. Minimal Amendments. Minimal amendments to the final development plan shall be submitted to the Zoning Administrator on a reproducible development plan showing the requested changes. The Zoning Administrator may then approve the change in writing if he/she deems it appropriate.

### **11.03 Initial Development Plan**

Upon application for rezoning to the Planned Unit Development District, the petitioner shall present an initial development plan to the Planning Commission for review, and to the City Council, for their approval showing the following information:

- A. Project name and legal description.
- B. A preliminary subdivision plan in compliance with Article 4 of the City of Crooks Subdivision Regulations.

- C. The proposed development scheme showing the following information:
1. The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling unit per building, the number and type of any proposed nonresidential building and their square footage.
  2. The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make such densities undesirable.
  3. The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental, or design characteristics make the setbacks undesirable.
  4. The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique, physical, environmental, or design characteristics make the heights undesirable.
  5. Proposed design features illustrating compatibility to the surrounding environment and neighborhood.
  6. Anticipated subarea development sequence.
- D. In addition, the developer shall provide an 8" x 11" scaled rendering on mylar of the approved initial development plan showing each of the subareas.

#### **11.04 Final Development Plan**

- A. Prior to construction on any lots in the Planned Unit Development Zoning District, the petitioner shall present a final development plan to the Planning Commission for their approval. When a subarea is proposed by the developer for only single-family detached homes or 2-family attached units, a final development plan will not be required.
- B. Final development plan approval shall expire 1 year from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning

Administrator and prior to the final development plan approval expiration date, a time extension for the final development plan approval may be granted.

C. The final development plan shall show the following information:

1. The subdivision name, the legal description, and the individual project name (if any).
2. Boundaries of the subarea or subareas submitted for approval superimposed on the map of the initial development plan.
3. A subdivision plat of the subarea or subareas submitted for approval in compliance with Article V of the Subdivision Ordinance.
4. A scale drawing showing the following information will be required:
  - a. Size and location of proposed structures including height and number of units.
  - b. Calculated floor area for each structure and a generic listing of the uses within the structure.
  - c. Off-street parking lot arrangement designating all parking spaces, off-street loading spaced and any outdoor trash container.
  - d. Any sidewalks, bikeways or other paths.
  - e. Any outdoor lighting, type and location. Standard street lights owned by the City are not required.
  - f. Landscaping plans showing the type and location of any walls or fences, the placement, size, and species of any trees or shrubs and berms in areas that will be sod or seeded.
  - g. All existing and proposed utilities, drainage ways, water courses, and location of above ground existing utilities on adjacent property.
  - h. Proposed final ground contours.

- i. Curb cuts and all private drives.
- j. Adjacent, existing, and proposed uses.
- k. First floor elevation for any structure located in a flood hazard area.
- l. Accurate building elevation of all proposed structures.
- m. Documentation of the ownership and maintenance responsibility of any common open spaces, structures or facilities, including private streets.
- n. Any subareas proposed for multiple residential development will be required to provide an open area for recreation. The open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.
- o. Proposed parking and loading spaces which shall be in conformance with 12.04 of the 2009 Revised Crooks Zoning Regulation, except where unique physical, environmental, or design characteristics make the requirements undesirable.
- p. Unless otherwise specified on the final development plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as part of the final development plan. For example: townhouses on block X shall be developed in conformance with the requirements of R-2 Residential District.

## **11.05 Amendments**

- A. Major Amendments. The following changes in an initial and/or final development plan are considered major amendments:
  - 1. Any change in the proposed land uses should follow a rezoning process detailed in 18.01 of the 2009 Revised Crooks Zoning Regulation.

2. An increase in the density above that provided in division (B)(5) below should follow a rezoning process detailed in 18.01 of the 2009 Revised Crooks Zoning Regulation.

B. Minor Amendments. The following changes in an initial and/or final development plan are considered minor amendments:

1. Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback).
2. Any change in the number or location of curb cuts.
3. Any decrease in the size of required open areas.
4. A minor change in the street pattern.
5. Any increase in density of a subarea:
  - a. Less than 25% for a subarea with less than 8 units.
  - b. Less than 15% for a subarea with between 9 and 20 units.
  - c. Less than 8% for a subarea with 21 units or more.
6. Any change in the number of parking spaces.
7. Any minor change to on-premise signage.
8. Any major change in the street pattern.

C. Minimal Amendments. The following changes in an initial and/or final development plan are considered minimal amendments:

1. Any adjustment of a building within a previously established building envelope.
2. A reduction in density and scale.
3. Any minimal change in the street pattern.

4. Any minimal change in the parking and loading requirements.
5. Any minimal change to on-premise signage.

# Chapter 12 – Additional Use Regulations

## 12.01 Reserved

[Reserved]

## 12.02 Visibility at Intersections and Driveways

- A. Intersection Safety Zones. No monument style sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted, or maintained within a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points 40 feet distant in each direction from the intersection of the curbs and a straight line connecting the first two lines. (See Figure 1).
- B. Driveway Safety Zones. No monument style sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten (10) feet behind the curb line. (See Figure 1).

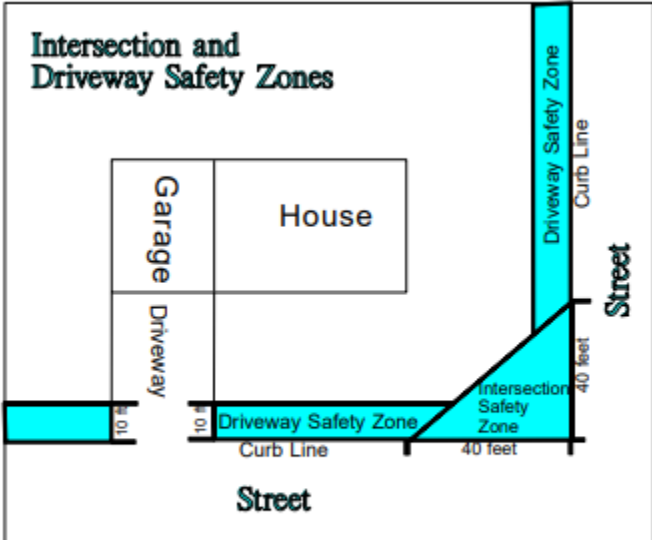


Figure 1



## **12.03 Accessory Buildings, Garages, Recreational Facilities, and Miscellaneous Structures**

### **A. In General.**

1. Accessory structures, excluding miscellaneous structures in Section 12.03(B)(5), shall not exceed 30% of the rear yard area.
2. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
3. Accessory buildings may not be used for dwelling purposes.
4. No accessory building or use shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
5. A building permit is required for accessory building over two hundred (200) square feet.
6. The garage(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a conditional use pursuant to Section 19.01.
7. Conditional Use Application Fee. Upon application and before any conditional use hearings are held, the applicant shall pay a fee to the Finance Officer.
8. Height shall be measured from grade. Grade is the average elevation of the land around a building. See Definitions BUILDING, HEIGHT.

9. Stop Order. Section 15.03. Whenever any work or use is being done contrary to the provisions of this title, the Authorized Official may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work or use until authorized by the Authorized Official to proceed with the work or use.
10. Penalties for Violation. Section 1.05 ‘... Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be subject to penalties established by South Dakota Law.’
11. No carports will be allowed in Residential Districts.

B. Residential Districts.

1. Accessory Buildings: Two hundred (200) square foot and under (counts as your one allowable building).
  - a. Shall be setback at least four (4) feet from the side and rear property lines.
  - b. Shall not be located in the front yard.
  - c. Accessory Buildings. Two hundred (200) square feet and under do not require a building permit.
  - d. Shall not be more than twelve (12) feet (one story) in height.
  - e. Shall not have a door opening that exceeds six (6) feet in width.
  - f. Shall not be located within ten (10) feet of the principal structure.
  - g. Cloth, canvas, plastic sheets and tarps, and similar materials are not allowed as primary materials, except greenhouses are allowed to have sheeting (glass or plastic) of prescribed building thickness as an outer

covering. As an exterior material, steel siding and roofing is allowed on accessory buildings two hundred (200) square feet and under only.

- h. Shall be limited to a maximum of one (1) accessory building per lot.
  - i. Shall not be placed on drainage, utility, or other easements.
2. Accessory Buildings: Two hundred and one (201) square feet to four hundred (400) square feet (counts as your one allowable building).
- a. Shall be setback at least four (4) feet from the side and rear property lines.
  - b. Shall not be located in the front yard.
  - c. Shall not have a wall height exceeding ten (10) feet in height.
  - d. Shall not have a roof pitch that exceeds a 6:12 pitch and shall not be more than one story in height.
  - e. Shall not have a door opening that exceeds six (6) feet in width.
  - f. Shall not be located within ten (10) feet of the principal structure.
  - g. The size of the accessory building shall not exceed four hundred (400) square feet or the requirements of Section 12.03(A)(1), whichever is less. Any accessory building exceeding two hundred (200) square feet requires a conditional use permit. Conditions may be attached to such a permit to mitigate the impact on adjacent properties, including but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provisions, and limiting additional exterior storage.
  - h. Cloth, canvas, plastic sheets and tarps, and similar materials are not allowed as primary materials. As an exterior material, corrugated steel siding and roofing is also not allowed. The exterior finish of accessory buildings 201-400 square feet in size shall be of materials matching the principal structure in color and texture.

- i. Shall be limited to a maximum of one (1) accessory building per lot, regardless of size.
  - j. Shall not be placed on drainage, utility, or other easements.
3. Detached Garages.
- a. Primary Garage. In a situation where there will be no attached garage to the dwelling structure, the detached garage becomes the primary garage. In this situation only, the garage shall not exceed one thousand (1000) square feet. All other detached garage and general conditions of this ordinance will still apply. If there is no attached garage and one detached garage, then one (1) additional accessory building four hundred (400) square feet or less will be allowed OR one (1) 600 square foot detached garage. All applicable detached garage rules will apply. All relevant conditions of this ordinance will still need to be met.
  - b. Shall be setback at least seven (7) feet from the side and rear property lines.
  - c. Shall not be located in the front yard.
  - d. Shall not have a wall height exceeding twelve (12) feet in height.
  - e. Shall not have a roof pitch that exceeds a 6:12 pitch and shall not be more than one story in height.
  - f. Shall not have doors that exceed ten (10) feet in height.
  - g. Conditions may be attached to such a permit to mitigate the impact on adjacent properties, including but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provisions, and limiting additional exterior storage.
  - h. The exterior finish of detached garages shall be of materials matching the principal structure in color and texture.

- i. The architectural design of detached garages must be similar to the principal structure.
  - j. Detached garages shall be paved with a hard surfaced concrete or asphalt driveway to an adjacent public street.
  - k. Any damage caused by a change in grading shall be the responsibility of the land owner. Change from these approved elevations may cause water drainage problems.
  - l. Shall not be placed on drainage, utility, or other easements.
4. Attached Garages.
- a. Attached garages shall not exceed the main floor area of the principal building.
  - b. Setbacks for attached garages shall be according to the zoning district regulations.
  - c. Shall not have a wall height exceeding twelve (12) feet in height.
  - d. Shall not have doors that exceed ten (10) feet in height.
  - e. The exterior finish of the attached garages must be similar to the principal structure.
  - f. Attached garages shall be paved with a hard surfaced concrete or asphalt driveway to an adjacent public street.
  - g. One (1) additional detached garage of six hundred (600) square feet or less OR one (1) additional accessory building, four hundred (400) square feet or less, will be allowed on the condition that all relevant requirement of this ordinance are met.
5. Miscellaneous Structures.

- a. Swing sets, sandboxes, play structures, dog kennels, satellite dishes, and similar structures shall not be located closer than four (4) feet from the side or rear property lines, and shall not be located within the front yard setback.
  - b. Any miscellaneous structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
  - c. No miscellaneous structure, unless an integral part of the principal building, shall be created, altered, or moved within ten (10) feet of the principal building.
6. Recreational Facility.
- a. Shall be set back at least five (5) feet from the side and ten (10) feet from the rear property lines.
  - b. Shall not be placed on drainage, utility, and other easements.
  - c. Shall not be located in front of the principal structure.
  - d. A chain link or non-opaque fence not exceeding ten (10) feet in height shall be allowed to enclose a recreational facility containing concrete, asphalt, or similar material. If such a fence is used it shall be set back at least five (5) feet from the side and ten (10) feet from the rear property lines and may not be placed in front of the principal structure.

C. Nonresidential Districts.

- 1. One accessory building is allowed. Exception: Picnic shelters, gazebos and similar structures may be allowed as additional accessory structures.
- 2. The maximum floor area allowed is two hundred (200) square feet. Exception: Size may be increased up to four hundred (400) square feet with a conditional use permit.

3. Exterior finish shall be of materials matching the principal structure in color and texture.
4. Architectural design must be similar to the principal structure.
5. Location of the accessory structure shall have minimum negative impact on the site and adjacent properties and shall meet the setbacks of the district.
6. Accessory structures shall not exceed the height of the principal structure.  
Exception: Height may be increased with a conditional use permit.
7. Shall not be located in front of the principal structure.

D. Large Lot Developments (all lots in development exceeding 1.0 acres)

1. One accessory building is allowed and shall not exceed 1000 square feet.
2. If less than 200 square feet, follow regulations outlined above in 12.03(B)(1).
3. If between 201 to 400 square feet, follow regulations outlined above in 12.03(B)(2).
4. If between 401 to 1000 square feet:
  - a. An approved building permit and conditional use permit are required prior to grading or building.
  - b. Shall be setback at least seven (7) feet from the side and rear property lines.
  - c. Shall not be located in the front yard.
  - d. Shall not have a wall height exceeding twelve (12) feet in height.
  - e. Conditions may be attached to such a permit to mitigate the impact on adjacent properties, including but not limited to, increased setbacks, landscape screening, architectural color and detail requirements, drainage provision, and limiting additional exterior storage.

- f. The exterior finish of detached garages shall be of materials matching the principal structure in color and texture.
- g. The architectural design of detached garages must be similar to the principal structure.
- h. Shall be paved with a hard surfaced concrete or asphalt driveway connecting to a public street.
- i. Any damage caused by a change in grading shall be the responsibility of the landowner. Change from these approved elevations may cause water drainage problems.
- j. Shall not be placed on drainage, utility, or other easements.
- k. All relevant conditions of this ordinances will still need to be met.

## **12.04 Off-Street Parking**

### **A. General Conditions.**

- 1. No parking spaces are permitted in the required front or side yard in any district except for the portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this title. Parking spaces in backyards shall be prohibited in the R-1 and R-3 districts. Parking spaces in the backyards shall be allowed only by conditional use in the R-2 district.
- 2. Driveways shall not exceed 36 feet in width.
  - a. An exception for 40 feet driveways shall be allowed for businesses expecting tanker truck traffic.
  - b. Additional off-street parking is permitted abutting the primary structures' primary garage in the R-1 Zoning District. The width of the parking area must not exceed fourteen (14) feet and must not extend beyond the depth of the primary garage. Additional parking must be hard surfaced



with asphalt or concrete. Additional off-street parking must not interfere with natural drainage. All easement, zoning, and code enforcement regulations must also be adhered to.

3. Each parking space shall be directly accessible to an access aisle.
4. Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing, or leaving of any commercial vehicle in a NRC, R-1, R-2, or R-3 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
5. All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.
6. The parking requirements in this section shall not be applicable to property in the CB Central Business District, except for residential uses which are authorized by a conditional use permit.

**B. Required Parking Spaces.**

In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see TABLE 1 below:

**TABLE 1: Minimum Off-Street Parking & Loading Requirements:**

<u>Uses and Structures</u>	<u>Minimum Parking Requirements</u>
<b>Single-Family and Two-Family Dwellings</b>	2 spaces for each dwelling unit

<b>Multiple-Family Dwellings</b>	One and one-half (1 ½) spaces for each dwelling unit of one bedroom or less; Two spaces for each dwelling unit of two bedrooms or more
<b>Rooming and Boarding Houses; Sororities and Fraternities</b>	One (1) parking space for each two hundred (200) square feet of floor area (one space per two beds)
<b>Bowling Alleys</b>	Four (4) spaces per land
<b>Church or Temple</b>	1 space for each four (4) seats in main setting area
<b>Private Club or Lodge</b>	One (1) parking space for each three hundred (300) square feet of floor area
<b>High School</b>	Four (4) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Elementary School</b>	Two (2) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
<b>Eating and Drinking Places</b>	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three seats, whichever is greater.
<b>Hospitals</b>	1 space for each bed
<b>Nursing, Convalescent and Rest Homes</b>	1 space for each 3 beds

<b>Auditoriums, Theaters, and Places of Public Assembly</b>	1 space for each four (4) seats of design capacity
<b>Hotels and Motels</b>	One (1) space for each two (2) rental rooms
<b>Funeral Homes</b>	One (1) space for each four (4) seats in the chapel
<b>Retail Sales Establishments</b>	One (1) space for each three hundred (300) square feet floor area
<b>Medical and Dental Clinics</b>	One (1) space for each two (2) staff members and full-time employees, plus one (1) space for each six hundred (600) square feet of gross floor area
<b>Manufactured Home Parks</b>	Two (2) spaces for each manufactured home lot
<b>Industrial Uses</b>	One (1) space for each two (2) employees on the maximum working shift
<b>Service Establishments</b>	One (1) space for each three hundred (300) square feet of floor area
<b>Wholesale and Distribution Establishment</b>	One (1) space for each two (2) employees on the maximum working shift

All other uses not specified above shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

**12.05 Off-Street Loading Requirements**

There shall be provided at the time any building is erected or structurally altered, off-street loading spaces for the following uses:

<u>Use</u>	<u>Gross Square Feet Floor Area</u>	<u>Number of Off-Street Loading Spaces</u>
<b>Office Buildings</b>	25,000 – 50,000 Every Additional 75,000	One 14' x 35' space Add one 14' x 35' space
<b>Retail, Service and Trade Establishments, and Industrial and Wholesale Commercial</b>	5,000 – 20,000 20,000 – 100,000 Every Additional 75,000	One 14' x 35' space Two 14' x 35' space Add one 14' x 35' space

## 12.06 Signs

### A. Sign Permits.

#### 1. Permit Required.

Except as otherwise provided herein, it shall be unlawful for any person to erect, alter, or relocate any sign without first obtaining a permit therefor from the City.

#### 2. Permit Application.

An application for a sign permit shall be submitted to the Planning & Zoning Administrator on a form as he or she may prescribe and shall include all information as may be required for a complete understanding of the proposed sign and all other information necessary to show full compliance with this Ordinance and all other federal, state, and local laws.

If the Planning & Zoning Administrator determines that a proposed sign conforms to the requirements of this ordinance and all other federal, state, and

local laws, the Planning & Zoning Administrator shall issue the permit as soon as practicable.

3. Validity of Permit.

The issuance of granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any federal, state, or local law. Permits presuming to give authority to violate or cancel one (1) or more provisions of this Ordinance or of any other federal, state, or local law shall not be valid.

4. Expiration.

Every permit issued shall become invalid unless the sign authorized by such permit is completely erected, altered, or relocated within one hundred eighty (180) days after its issuance. If an inspection has not been requested after one hundred eighty (180) days of permit issuance and the permit has not been extended, the permit shall expire without notice. The Planning & Zoning Administrator is authorized to grant, in writing, one (1) extension of time for a period not more than one hundred eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.

5. Suspension or Revocation.

The Planning & Zoning Administrator is authorized to suspend or revoke a permit issued under the provision of this Ordinance whenever the permit has been issued in error; on the basis of incorrect, inaccurate, or incomplete information; or if the Planning & Zoning Administrator determines that the permit was granted in violation of this Ordinance or any other federal, state, or local law.

6. Application Fee.

An application fee shall be paid to the City for each permit required by this Ordinance in an amount set by resolution of the City Council. All applicable fees must be paid prior to the Planning & Zoning Administrator's review of the application.

7. Sign Maintenance.

Maintenance of legally permitted signs or signs existing prior to the effective date of this Ordinance is allowed and shall not require a permit. Sign maintenance includes, but is not limited to, the replacement or repair of a part or portion of a sign required by wear, tear, or damage, with like material, color, and design.

8. Non-Issuance Due to Existing Illegality.

Unless necessary to protect the health, safety, and general welfare of the community, a permit for a new sign shall not be issued for a lot upon which there exists an illegal sign or other violation of this Ordinance.

9. Assignment.

A current and valid permit is freely assignable to a successor as owner of the lot.

10. Building Permit Not Required.

If a conditional use permit, building permit, or other permit has been issued pursuant to this Chapter, the applicant is not required to obtain a sign permit for the sign until such time as the sign is altered or changed from its depiction on the plans used to approve the permit.

B. Signs Not Regulated.

The following signs may be allowed in addition to the signs permitted by this Ordinance. They do not require a sign permit, but must be in conformance with all other federal, state, and local laws.

1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, of permanent-type construction and made an integral part of the building structure.
2. Street address, street name, or building identification signs necessary for first responders to locate the building, structure, or lot as necessary to respond to any fire or public safety emergency.

3. Signs located entirely inside a building or other enclosed place.
4. Signs affixed to or painted on a display window.
5. Signs erected by the City or other governmental entity.
6. Signs regulated, approved, or otherwise required by federal or state agencies, including but not limited to, historical marker signs, official traffic control devices, etc.
7. Holiday lights and decorations displayed during the appropriate time of the year.
8. National, state, or historical flags or their emblem or insignia.

C. Prohibited Signs.

1. Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be reasonably confused with or construed as a traffic control device.
2. Signs attached to trees, telephone poles, public benches, street lights, street signs, or otherwise placed on any public property or within the public right-of-way. This prohibition does not apply to signs that are integrated into the object's support structure by design.
3. Signs which obstruct any required ingress or egress from a building or structure.
4. Abandoned signs.
5. Signs placed on vehicles or trailers which are parked or otherwise located on a lot for the primary purpose of displaying the sign.
6. Any sign that is not protected by either federal or state law, or otherwise allowed by this Ordinance.

D. General Regulations.

The following shall apply to all signs unless otherwise indicated:

1. Except as required by law, no sign may be displayed without the consent of the legal owner of the lot on which the sign is located. For purposes of this section, the term "owner" shall mean the holder of the legal title to the lot and any party and person holding a present legal right to possession, control, or use of the lot.
2. Except as required by law or otherwise permitted by the City, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to declare such sign to be a nuisance pursuant to the City's municipal ordinances and act accordingly.
3. No wall or projecting sign may project over the public right-of-way or sidewalk unless the building or structure to which the sign is attached is less than five (5) feet from said right-of-way or sidewalk. In such a situation, the sign shall be placed at an adequate height so as not to interfere with pedestrians, vehicular traffic, or snow removal.

E. Computations.

1. Computation of Area of Individual Signs.

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

2. Computation of Area of Multi-faced Signs.

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any single



viewpoint. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of the largest of the two (2) faces.

3. Computation of Height.

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

F. Permanent Signs.

1. General Standards. All permanent signs shall conform to the following standards:

- a. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a wall, frame, or other sign structure.
- b. All signs shall be constructed to withstand a wind load of at least thirty (30) pounds per square foot.
- c. Signs shall be maintained in a safe and legible condition at all times.
- d. Nuisance. Any permanent signs not meeting these standards shall be declared a nuisance and remedied pursuant to the City's municipal ordinances.

2. Single-Family Detached Dwelling or Single-Family Attached Dwelling(s).

- a. Each lot containing a single-family detached dwelling or single-family attached dwelling may have one (1) wall or freestanding sign. One (1) additional wall or freestanding sign shall be allowed per approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area.

If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.

3. Manufactured Home Parks.

- a. Each individual manufactured home space within the manufactured home park may have one (1) wall or freestanding sign. One (1) additional wall or freestanding sign shall be allowed per approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area. If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.
- b. One (1) freestanding or wall sign shall be permitted at each entrance to the manufactured home park. Each sign shall have a maximum area of thirty-two (32) square feet. If placed as a freestanding sign, the sign shall not exceed six (6) feet in height above grade.

4. Multiple-Family Dwelling.

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.
- c. Each individual dwelling unit within a multiple-family dwelling if immediately accessed through an exterior door may have one (1) wall or freestanding sign. One (1) additional wall sign shall be permitted for each dwelling unit if it is immediately accessed through an exterior door and it contains an approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area. If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.

5. House of Worship or School.

- a. Wall signs shall have a maximum area of ten (10) square feet.

- b. Freestanding signs shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.
- 6. NRC Lots Not Containing a Dwelling, House of Worship, or School.
  - a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
  - b. One (1) freestanding sign shall be permitted per lot. It shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.
- 7. R-1, R-2, or R-3 Lots Not Containing a Dwelling, House of Worship, Manufactured Home Park, or School.
  - a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
  - b. One (1) freestanding sign shall be permitted per lot. It shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.
- 8. CB Lots
  - a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign shall exceed five (5) feet above the roofline of the building or structure to which it is attached.
  - b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than eighteen (18) feet above grade.
- 9. GB Lots
  - a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1)

foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign shall exceed five (5) feet above the roofline of the building or structure to which it is attached.

- b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than thirty (30) feet above grade.

10. LI and HI Lots

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed one (1) square foot per three (3) feet of lineal street frontage with a maximum of one hundred (100) square feet. No portion of any wall, roof, or projecting sign shall exceed five (5) feet above the roofline of the building or structure to which it is attached.
- b. Freestanding signs shall be permitted so long as each does not exceed one (1) square foot per three (3) lineal feet of street frontage with a maximum of one hundred (100) square feet. No freestanding sign shall be taller than twenty (20) feet above grade level.

G. Temporary Signs.

The requirements set forth herein shall apply to all temporary signs:

- 1. General Standards. All temporary signs shall conform to the following standards:
  - a. No temporary sign may be illuminated in any manner.
  - b. Any temporary sign larger than nine (9) square feet in area shall be located at least ten (10) feet from all lot lines.
  - c. Signs shall be kept in good repair. Faded, torn, damaged, or otherwise unsightly signs shall be repaired or removed. In addition to other remedies hereunder, the City shall have the right to declare such sign to

be a nuisance pursuant to the City's municipal ordinances and act accordingly.

- d. Signs shall be securely attached to a sign support, building, or other structure.

2. Temporary Signs Requiring a Permit. Unless it is exempt from requiring a permit in conformance with Chapter 12.06(G)(3), a lot's temporary signs shall be limited to and conform to the following:

- a. R-1, R-2, and R-3 Lots

One (1) wall or freestanding sign shall be allowed for up to sixty (60) days if it is larger than nine (9) square feet, but equal to or less than fifty (50) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

- b. NRC, CB, GB, and HI Lots

Two (2) wall or freestanding signs shall be allowed per calendar year so long as they do not cumulatively exceed two hundred (200) square feet in area. Any such temporary sign shall be allowed for no longer than sixty (60) days and shall be located at least fifteen (15) feet from all lot lines.

3. Temporary Signs Not Requiring a Permit. A temporary sign that complies with the following standards does not require a permit:

- a. R-1, R-2, and R-3 Lots.

- i. One (1) wall or freestanding sign shall be allowed per lot so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
- ii. Two (2) additional wall or freestanding signs shall be allowed per lot for up to fourteen (14) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a

freestanding sign, it cannot be taller than four (4) feet above grade.

- iii. One (1) additional wall or freestanding sign up to nine (9) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

b. NRC, CB, GB, LI, and HI Lots.

- i. Two (2) wall or freestanding signs shall be allowed per lot for up to sixty (60) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
- ii. Two (2) additional wall or freestanding signs shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as no individual sign exceeds thirty (30) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
- iii. One (1) additional wall or freestanding sign up to forty five (45) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than five (5) feet above grade.

H. Off-Premise Signs

Off-premise signs are allowed in the GB, LI, and HI Districts, subject to the following requirements:

- 1. Off-premise signs will be allowed a maximum size of two hundred (200) square feet.

2. Signs will be allowed a maximum height of forty (40) feet and a minimum height of twelve (12) feet.
3. Minimum setback for the sign face of ten (10) feet and a minimum setback for the sign structure of twenty two (22) feet.

I. Nonconforming Signs

Any sign existing on the date of adoption of this chapter that does not conform with the provisions of this Code is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as specified below.

1. The sign has been altered in a fashion exceeding the allowed maintenance standards in subsection (d) below, or the sign has been relocated.
2. The sign has been brought into compliance with this chapter.
3. The sign is abandoned.
4. Nonconforming signs may be maintained, altered, modified, or reconstructed provided that such changes do not increase the overall sign area or height. Nonconforming signs or portions thereof may be removed for maintenance, modifications, or reconstruction so long as they are replaced in their original positions and orientations upon completion of the work. The alteration of a sign via the addition of a changeable copy or the addition of an electronic message center shall not constitute a change to the sign structure so long as the overall sign area is not enlarged; a new sign permit will be required for inspection purposes.

## 12.07 Fences

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No barbed wire fence shall be erected or maintained.
- B. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

- C. For R-1, R-2, R-3, or CB District – Fences not more than six (6) feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four (4) feet in height may be located on any part of the lot.
- D. On double frontage and corner lots used residentially, fences not more than six (6) feet in height may be placed in a required front yard abutting an arterial or collector street where:
  - 1. The required front yard abutting an arterial or collector street is not used as the front yard.
  - 2. The fence is set back a minimum of ten (10) feet from the property line abutting the arterial or collector street.
  - 3. Intersection safety zones are maintained.
- E. For GB, LI, or HI District – Fences not more than eight (8) feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use.
- F. No fence shall be erected which violates 12.02.
- G. To preserve the neighborhood character of the Residential districts, fences along the perimeter of a front yard shall be of a traditional design and shall not be more than 30 percent solid.
- H. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight (8) feet and for public tennis courts, twelve (12) feet on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- I. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- J. The side of the fence considered being the face (facing as applied to the fence post) should face the abutting property.



- K. In the event a fence is to be constructed on the property line, abutting property owners shall be notified prior to the issuance of a permit.
- L. The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.
- M. The installation of fences in drainage easements shall be prohibited. Fences placed in utility easements, and other designed easements will require prior approval from the City. The City may enter easement for construction, reconstruction, replacement, repair, and maintenance purposes; and will be held harmless for the cost of the replacement or damage to any improvement or vegetation with the easement and may make any other appropriate or necessary requirements.

## **12.08 Telecommunications Tower, Antenna Support Structures, and Wireless Communications Facilities**

Regulations regarding development of telecommunications towers, antenna structures and wireless communications facilities are intended to encourage the development of a competitive wireless communications marketplace while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The regulations cover the placement, construction, and modification of telecommunications facilities.

- A. A minimum distance of three hundred (300) feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
- B. A minimum distance of ½ mile between telecommunications towers measured from the base of one telecommunications tower to the base of another except when an existing antenna support structure is used to co-locate a wireless communication facility.
- C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
- D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users.

When such structure is located in an airport approach zone, Federal Aviation Administration (FAA) approval will be required prior to permit issuance.

- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

## **12.09 Site-Built Single-Family and Multi-Family Dwelling Standards**

- A. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.
- B. All single-family dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- C. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Use of flat or corrugated sheet metal for roofing shall not be permitted.
- D. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or metal shingles. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
- E. The primary exterior finish of each residence shall be sided with hardboard siding, aluminum siding, steel siding, vinyl siding, stucco, brick, rock, or similar material. The use of corrugated sheet metal for exterior walls is prohibited.
- F. 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, excepting manufactured homes placed in an approved R-3 district. The Authorized Official or his or her designee shall inspect and authorize all dwellings moved into the City of Crooks. For the purposes of these regulations, manufactured housing shall be allowed only in the R-3 Manufactured Housing Residential District.

- G. The minimum width of the main body of the site-built dwelling shall not be less than twenty (20) feet, as measured across the narrowest portion.

## **12.10 Landscaping Standards**

It is the desire of the City of Crooks to encourage development which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

- A. Within any zoning district, at least 90 percent of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 12.04).
- B. Within GB, CB, LI, and HI districts, one tree per 50 feet of lot width is required. No more than 25 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
- C. Each existing tree of at least 1 ¾ -inch caliper in size shall count toward the tree requirement.
- D. The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod, seed, or other living ground cover.
- E. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be 1 3/4 -inch caliper and all deciduous ornamentals shall be 1 ¼ -inch caliper. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.
- F. Screening. A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover.

G. Parking Lot Buffer Areas. A setback of at least five (5) feet shall be provided between a parking lot and residentially zoned property.

Exception: If proper screening is provided, the setback may be two (2) feet.

H. Lighting Standards. When property is adjacent to or within one hundred and fifty (150) feet of residentially used or zoned property, the following lighting standards apply:

1. The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).
2. The maximum height of light luminaries shall be twenty five (25) feet above the ground.
3. Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
4. The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\text{Canopy length (ft.)} \times \text{canopy width (ft.)} \times 3 = \text{Max. Luminaries Lamp Wattage}$$

All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statuettes, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

## 12.11 Home Occupations

Home occupations are those secondary uses allowed on a premise in conjunction with the following:

- A. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following:
  - 1. No more than the lesser of 25 percent or 500 square feet of the floor area of the dwelling is devoted to the home occupation; or
  - 2. One hundred and sixty (160) square feet of an accessory building is devoted to the home occupation.
- B. Not more than one volunteer and/or nonresident employee, partner, or other person engaging in the conduct of the home occupation for pay or profit shall work on the subject property.
- C. Any sign for the Home Occupation must comply with the provisions of Chapter 12.06(F)(2)(a) and Chapter 12.06(F)(3)(a) of these Zoning Regulations.
- D. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling.
- E. No more than 20% of merchandise, including samples, can be sold on the premises.
- F. Materials that are combustible, toxic or consist of any animal or vegetable matter cannot be stored on the premises.
- G. Any process which will cause odor, dust, glare, noise, heat or vibration which would have a negative effect on adjacent properties would not be allowed.

## **12.12 Manufactured Home Requirements**

- A. The manufactured home shall meet or exceed the current federal Manufactured Home Construction Safety Standards.
- B. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than four (4) feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than

twelve (12) feet apart along the perimeter of the structure. Such tie downs shall extend down no less than four (4) feet below grade.

- C. Each manufactured home shall be skirted with material approved by the Zoning Administrator. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material which is compatible with the appearance and condition of neighboring dwelling units. Appropriate materials shall include commercially manufactured colored steel, fiberglass, plastic or masonry materials. Tie downs and skirting shall be installed prior to occupancy.
- D. Each manufactured home shall be connected to the municipal wastewater collection system and municipal water supply system.
- E. The manufactured home shall be aesthetically compatible with the neighboring dwelling units, including but not limited to the following factors: width, length, area, number of stories, siding and roofing materials, roof style and pitch, and condition.
- F. No manufactured home placed within the City limits of Crooks may exceed ten years from the date of manufacture.

### **12.13 Bed and Breakfast Establishments**

- A. Bed and Breakfast establishments shall be limited to a residential structure.
- B. They shall comply with applicable state laws including South Dakota Department of Health. The Bed and Breakfast establishment must maintain a guest list and provide a smoke detector in each sleeping room.
- C. Such uses shall be an incidental use with an owner-occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
- D. Off-street parking requirements shall be one space per guest room and shall be in addition to the parking requirements for the residence.

- E. The length of stay shall not exceed fourteen (14) days during any one hundred and twenty (120) day consecutive period.
- F. 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.

## **12.14 Architectural Standards**

These standards are intended to promote the general welfare of the community as well as protect the value of its buildings and property. Additionally, these standards serve to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development. However, it is not the intent of these standards to unduly restrict design freedom or to apply a particular architectural style to all structures.

- A. Commercial Standards. The following standards shall apply to commercial buildings in Central Business and General Business zoning districts (Sections 7.01, 7.02, 8.01, and 8.02).
  - 1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as wood, masonry, stone, brick, glass, or comparable materials.
  - 2. The front façade of the building should address its primary access street with entrances, windows, and architectural features facing the street. No overhead door or docking bays shall face the street, unless first approved by the Authorized Official. In the case where the side or rear façades face a street, or if parking is located at the side or rear of a building, the façade shall be designed to enhance, and not detract, from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
  - 3. All loading and unloading areas, as well as docking bays, shall be maintained and kept free of trash or litter.
  - 4. Variation in architectural details will be encouraged to provide visual variation and interest.

5. Windows in a commercial building in areas fronting its primary access street or with entrances used by the public should cover at least thirty (30) percent of the front façade and be at eye level. Windows may be constructed from reflective glass for “office uses,” but shall not be used for retail stores of any kind.
6. All mechanical equipment, including but not limited to, electrical, heating ventilating, air conditioning equipment, and antennae shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops, it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment.
7. Lighting shall comply with the standards set forth in Section 12.10(H).
8. Façade colors shall be of a low reflectance, subtle or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Neon tubing as a building accent is prohibited.
9. Long, massive, unbroken, or monotonous building facades shall be prohibited.
10. Building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the façade.
11. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture, and material modules.
12. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest.
13. Size and height of buildings should be compatible with the character and existing views of the surrounding area.

## **12.15 Cannabis Establishments**

- A. Intent. To minimize the negative effects that Cannabis Establishments have on adjacent land uses and to promote the public health, safety, and general welfare of the City, the City Council adopts the following regulations, recognizing that the City



has a great interest in the present and future character of its residential and commercial neighborhoods.

Adoption of these regulations is not intended to unreasonably restrict the opportunity of cannabis establishments to locate in the City, but rather to ensure Cannabis Establishments are not located in areas contrary to public interest, injurious to nearby properties, nor concentrated in one area of the City.

- B. Definitions. Unless an alternative definition is explicitly state in this section, this chapter utilizes the definitions for cannabis related terms which are defined by SDCL 34-20G-1.

**CANNABIS (or MARIJUANA)** – All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

**CANNABIS CULTIVATION FACILITY** – A legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

**CANNABIS DISPENSARY** – A legally licensed entity that acquire, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

**CANNABIS PRODUCT MANUFACTURING FACILITY** – A legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplied, or sells cannabis products to a cannabis dispensary.

**CANNABIS TESTING FACILITY** – A legally licensed entity legally authorized to analyze the safety and potency of cannabis.

**CITY** – The city of Crooks, South Dakota.

NON-LICENSED CANNABIS ESTABLISHMENT – An entity which would otherwise meet the definition of a cannabis establishment, but which is not legally licensed.

- C. Location for Cannabis Dispensary. No Cannabis Dispensary shall be owned or operated at a location within the City’s zoning jurisdiction except as provided by this section. A Cannabis Dispensary shall be considered a permitted use in the following districts: Light Industrial (LI) and General Business (GB). A Cannabis Dispensary shall be considered a conditional use in the following districts: Central Business (CB).
  
- D. Cannabis Dispensary Regulations.
  - 1. Maximum Number of Cannabis Dispensaries. The City shall allow no more than one (1) Cannabis Dispensary provided the time, place, and manner of said Cannabis Dispensary complies with this ordinance.
  
  - 2. Required Separation Distances.
    - a. The Cannabis Dispensary shall be located not less than one thousand (1,000) feet from a public or private school existing before the date of the Cannabis Dispensary application.
  
    - b. The Cannabis Dispensary shall be located not less than five hundred (500) feet from primary structures of churches, residences, libraries, and day care facilities, and property lines of public parks existing before the date of the Cannabis Dispensary application.
  
    - c. Exemptions. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided the applicant provides documentation waiving the setback requirements from the title holder of the land benefitting from the separation.
  
    - d. Prescribed separation/setback distances from certain existing uses are to be measured from the primary structure where the Cannabis Dispensary is proposed.
  
  - 3. Other Location Requirements.

- a. Permanent or temporary Cannabis Establishments are prohibited in all other zoning districts and not eligible for a home occupation use.
  - b. It shall be unlawful to operate a Cannabis Dispensary in a building which contains a residence or a mixed-use building with commercial and residential use.
4. Controlled Access. No Cannabis Establishment shall share premises with or permit access directly from a business that sells alcohol or tobacco, or, if allowed by law, other Cannabis Establishments.
5. Hours of Operation. The Cannabis Dispensary is allowed to be open between the hours of 9:00am to 9:00pm on Monday through Sunday.
6. Documentation of State Licensure. No Cannabis Dispensary shall acquire, possess, store, deliver, transfer, transport, supply or dispense cannabis, cannabis products or paraphernalia without providing documentation of licensure from the State of South Dakota.
7. The Zoning Official is authorized to issue permits (building and/or use) for the Cannabis Dispensary subject to the following:
- a. Submission of a site plan containing the following:
    - I. Any information required for applicable building permit;
    - II. Ingress and egress plan;
    - III. Parking plan;
    - IV. Lighting plan (including security lighting)
    - V. Screening/security fencing plan;
    - VI. Refuse plan;
    - VII. Hours of operation; and
    - VIII. Any other information as lawfully may be required by the Zoning Official to determine compliance with this ordinance.
  - b. Documentation of ability to meet setback/separation requirements.

- c. Documentation of State Licensure.
- 8. The Cannabis Dispensary is required to be constructed in conformation with the 2021 Edition of the International Building Code and International Fire Code.
- E. Prohibited Districts for Non-Licensed Cannabis Establishments. All Non-Licensed Cannabis Establishments are prohibited in all zoning districts.
- F. Prohibition of Cannabis Cultivation Facility, Cannabis Testing Facility, and Cannabis Product Manufacturing Facility. The City does not allow any of the following Cannabis Establishments within the City:
  - 1. Cannabis Cultivation Facility.
  - 2. Cannabis Testing Facility.
  - 3. Cannabis Product Manufacturing Facility.

## **12.16 Mini-Warehouses and Consumer Storage Units**

- A. All warehouses, mini-warehouses, and commercial storage units must be at least one hundred (100) feet away from any residential district. When abutting a residential district, a landscape buffer and screening must be provided within the side and rear yard setbacks. Said buffer and screening strip must consist of any combination of berming, fencing, and vegetaton which will provide a six (6) foot high visual buffer.
- B. Perimeter walls shall be designed with physical breaks, façade material changes, or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall.
- C. All warehouses, mini-warehouses, and commercial storage units must have exterior doors that conceal all items inside from external view. No items may be stored outside of units.
- D. Overhead doors shall be oriented to the interior of the site or screened from street view with a six (6) foot high barrier such as a fence or hedge.

- E. Materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.
- F. Must be paved with a hard surfaced concrete or asphalt driveway connecting to an adjacent public street.
- G. Structural coverage of the total lot area must not exceed 40%.

# Chapter 13 – Adjustments to Yard Regulations

## **13.01 Adjustments to Front Yard Requirements**

A front yard may be adjusted to an average of the adjacent structures' front yards where existing adjacent structures have a front yard less than required.

## **13.02 Adjustments to Side Yard Requirements**

Buildings constructed prior to the effective date of this Ordinance with side yard setbacks of less than required by this Ordinance, may have additions erected in line with the existing building and provided further that said addition will be erected no closer to the lot line than the existing building.

## **13.03 Projection from Buildings**

Every part of any required yard shall be open to the sky and unobstructed except:

- A. Eaves may project into a front, side, or rear yard;
- B. Ordinary projection of sills, belt courses, cornices, vertical solar screen, ornamental features which may project twelve (12) inches;
- C. Air conditioners may project into a required side or rear yard setback;
- D. Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet;
- E. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than 40 square feet may project into a required front yard for a distance not to exceed four (4) feet; and
- F. Terraces, uncovered porches, platforms, decks, and ornamental features which do not extend above the level of ground (first) floor may project into a required yard,

provided these projections be distances at least two feet from the adjacent side or rear lot line.

# Chapter 14 – Non-Conforming Uses

## **14.01 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 with the district regulations subject to the following provisions:

- A. Whenever a nonconforming use or structure has been changed to a more restricted or conforming use, it shall not be changed back to a less restricted use.
- B. Should any conforming use or structure be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not continue.
- C. When a nonconforming use or structure is discontinued for a period of one year, the City Council may adopt, after notice by certified mail to the property owners, an amortization schedule to bring about the gradual elimination of such nonconforming use.
- D. 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 such structure.
- E. 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.

## **14.02 Continuation of Non-Standard Uses**

Nonstandard uses existing immediately prior to the effective date of this ordinance may be continued, although such uses do not conform to the provisions hereof. Nonstandard buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:



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

# Chapter 15 – Administration and Enforcement

## **15.01 Powers and Duties**

The Authorized Official is hereby authorized and directed to enforce all the provisions of the Zoning Ordinance and establish rules for its administration. For such purposes, he or she shall have the powers of a law enforcement officer. The Authorized Official shall have the power to render interpretations of this ordinance. Such interpretations shall be within the intent and purpose of the Zoning Ordinance and be set forth in writing. In addition, the Authorized Official may appoint or solicit technical advice from inspectors, city officials, and other city employees to assist with the administration of the Zoning Ordinance. The Authorized Official shall be a City employee, with work week, hours of work, and salary to be determined by the City Council or another person approved by the City Council. With approval of the City Council, the Mayor shall appoint the Authorized Official.

## **15.02 Right of Entry**

Whenever necessary to make an inspection or to enforce any of the provisions of this title, the Authorized Official and authorized representatives may enter such building or premise at all reasonable times to inspect. Provided such building or premises is occupied, the Authorized Official shall first present proper credentials and request entry. If such building or premises is unoccupied, the Authorized Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Authorized Official shall have recourse to every remedy provided by law to secure entry.

When the Authorized Official or authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care, or control of any building or premise shall fail or neglect to promptly permit entry.

## **15.03 Stop Order**

Whenever any work or use is being done contrary to the provisions of this title, the Authorized Official may order the work or use stopped by notice in writing served on any person engaged

in the doing or causing such work to be done, and any such persons shall forthwith stop such work or until authorized by the Authorized Official to proceed with the work or use.

# Chapter 16 – Building Permits and Fees

## 16.01 Building 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 Authorized Official, or his or her authorized designee, of the City of Crooks.

- A. An application for building permit, available from the City's Authorized Official, shall be completed by the landowner or his or her representative requesting the building permit. Completed applications shall be returned to the City's Authorized Official for review. To be considered complete, the application form shall be accompanied by the following items:
1. Any required attachments and City fees;
  2. A copy of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration;
  3. Any additional information, as requested by the City's Authorized Official, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.

## 16.02 Fees

A schedule of fees, charges, and expenses for permits, change of zone, appeals, and other matters pertaining to this Zoning Ordinance shall be established by resolution of the City Council. The current fees schedule shall be available from the Authorized Official of the City of Crooks. All fees shall be the property of the City and shall be paid over to the Authorized Official of the City of Crooks 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.

## 16.03 Expiration of a Building Permit

Every building permit issued under the provisions of this Chapter shall expire by limitation and become null and void if the work or use authorized by such permit is not completed within 365 days or is not commenced within 180 days from the date of such permit, or if the work or use authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be obtained to do so, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required for this section for good and satisfactory reasons. The Authorized Official may, except as otherwise provided herein, extend the time for action by the permittee for a period not exceeding 365 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

# Chapter 17 – Board of Adjustment

## **17.01 Establishment**

A Board of Adjustment is hereby established for the City of Crooks, which shall consist of the members of the City Council, pursuant to SDCL 11-4-24.

## **17.02 Powers and Duties**

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

- A. To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Authorized Official of the City of Crooks in the enforcement of this ordinance.
- B. To hear and decide upon petitions for variances to vary the strict applications of the height, area, setback, yard, parking, or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.
- C. To hear and decide only such conditional use permits as the Board of Adjustments is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional use permits should be granted; and to grant conditional use permits with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional use permits when not in harmony with the purpose and intent of this ordinance and the comprehensive plan.

## **17.03 Appeal Procedure**

- A. Any person or persons, jointly or severally, aggrieved by any decision of the Authorized Official, may present to that Official a notice of appeal setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The notice of appeal shall be filed with the Authorized Official of the City of Crooks, who shall transmit to the Board of Adjustment all information and records concerning the appeal. Such notice of appeal shall be presented to the Authorized Official within thirty (30) days after the filing of the decision in the office of the Authorized Official.

- B. The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the Chairman and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting. No less than ten (10) days before the public hearing, the Authorized Official of the City of Crooks shall publish notice of the public hearing in the legal newspaper of the city.
- C. The public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any appeal or arrive at any determination.

## **17.04 Variances**

The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking, or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

- A. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this Chapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.
- B. 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.
- C. The variance requested is the minimum variance that will alleviate the hardship.
- D. Granting the variance will comply with the general purpose and intent of this ordinance, and will not be offensive to adjacent areas or to the public welfare.

- E. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.
- F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography, or other circumstances which are not of the applicant's making.
- G. 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 Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.
- H. An application for a Variance, available from the Authorized Official of the City of Crooks, shall be completed by the landowner requesting the Variance. Completed applications shall be returned to the Authorized Official for review. To be considered completed, the application shall contain the following information:
  - 1. Legal description of the land on which such variance is requested, together with local street address;
  - 2. Name and address of each owner of the property;
  - 3. Name, address, phone number, and signature of the applicant;
  - 4. Zoning district classification under which the property is regulated at the time of such zoning application;
  - 5. Description of the variance sought from the Zoning Regulations;
  - 6. Be accompanied with a site plan, unless waived by the Authorized Official.
- I. The Authorized Official shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application. The



Authorized Official or the Board of Adjustment may refer requests for variances to the Crooks Planning Commission for review and recommendation.

- J. The Authorized Official shall set the date, time, and place for a public hearing to be held by the Board of Adjustment. The Authorized Official shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Variance no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Authorized Official shall publish notice of the public hearing in a legal newspaper of the city.
- K. The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance or arrive at any determination.

## **17.05 Court Review**

Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty (30) days after the filing of the Board's decision as provided by SDCL 11-4-25.

# Chapter 18 – Amendments and Change of Zone

## 18.01 Procedure

Zoning amendments and change of zones are changes to the City of Crooks' Zoning Regulations. Applications for amendment may be submitted by either the City or any owner of land within the City. The regulations, restrictions, and boundaries set forth in this ordinance may, from time to time, be amended, supplemented, or repealed, provided however, that no such action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.

The following procedure for requesting an amendment shall be followed:

- A. The Authorized Official of the City of Crooks shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning Commission for review.
- B. The Authorized Official of the City of Crooks shall set the date, time, and place for a Planning Commission Public Hearing. The Authorized Official of the City of Crooks shall publish notice of the public hearing in a legal newspaper of the city once not less than ten (10) days prior to the public hearing. At least two signs shall be posted on the property for a continuous period of seven (7) days immediately prior to any public hearing held by the Planning Commission to consider any rezoning application.
- C. 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 Commission.
- D. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.
- E. The Authorized Official of the City of Crooks shall set the date, time, and place for a City Council Public Hearing. The Authorized Official of the City of Crooks shall publish notice of the public hearing in a legal newspaper of the city once not less than ten (10) days prior to the public hearing. At least two signs shall be posted on the property for

a continuous period of seven (7) days immediately prior to any public hearing held by the City Council to consider any rezoning application.

- F. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these Zoning Regulations, in accordance with standard procedures for reading, approval, publication, and effective date.
- G. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect twenty (20) days after publication, unless the referendum shall have been invoked.

# Chapter 19 – Conditional Use Permits

## 19.01 Conditional Uses

Any conditional use approved by the Board of Adjustment shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Board of Adjustment may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

- A. Procedure. The Board of Adjustment may authorize by Conditional Use Permit those uses specifically designated as Conditional Uses in Chapters 3 through 10. The Board of Adjustment shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such Conditional Use Permit.
  
- B. Application. To obtain a Conditional Use Permit, the applicant shall file an application, therefore, in writing on a form furnished by the Authorized Official or Finance Officer. Every application shall contain the following information:
  - 1. Legal description of the land on which such Conditional Use is requested, together with local street address;
  - 2. Name and address of each owner of the property;
  - 3. Name, address, phone number, and signature of the applicant;
  - 4. Zoning district classification under which the property is regulated at the time of such application;
  - 5. Be accompanied with a site plan, unless waived by the Authorized Official;
  - 6. Any other information concerning the property as may be requested by the Authorized Official or the Board of Adjustment.
  
- C. Fees. Upon the filing of any application for a Conditional Use Permit with the Authorized Official, the applicant shall pay to the City the appropriate fee as designated by Resolution of the City Council.

D. Information on Site Plan. In addition to the information, plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws, ordinances, rules, and regulations. The Authorized Official may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

1. The address of the property and the legal description;
2. The name of the project and/or business;
3. The scale and north arrow;
4. All existing and proposed buildings or additions;
5. Dimensions of all buildings;
6. Distance from all building lines to the property lines at the closest points;
7. Building height and number of stories;
8. Dimensions of all property lines;
9. Parking lots or spaces; designate each space, give dimensions of the lot, stalls, and aisles;
10. Screening; show height, location, and type of material to be used;
11. The landscaped setback and trees; indicate species of trees and material to be used for landscaping;
12. Name and location of all adjacent streets, alleys, waterways, and other public places.

Approved plans shall not be changed, modified, or altered without authorization from the Board of Adjustment giving final approval, and all work shall be done in accordance with the approved plans.

E. Review and Public Hearing Procedure.

Prior to the approval of a Conditional Use Permit, the Authorized Official shall meet with the applicant to review the application. After review of the application, the Authorized Official shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application. The Authorized Official or the Board of Adjustment may refer requests to Conditional Use Permits to the Crooks Planning Commission for review and recommendation.

The Authorized Official shall set the date, time, and place for a public hearing to be held by the Board of Adjustment. The Authorized Official shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Conditional Use Permit no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Authorized Official shall publish notice of the public hearing in a legal newspaper of the city.

The following procedure shall be followed by the Board of Adjustment in considering the recommendation of the Authorized Official:

1. 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 Board of Adjustment.
2. Before any Conditional Use Permit shall be granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas where required;

- c. Refuse and service areas, with particular reference to (a) and (b) above;
- d. Utilities, with reference to locations, availability, and compatibility;
- e. Screening and buffering with reference to type, dimensions, and character;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;
- i. The goals and objectives of the most recently adopted Comprehensive Plan.

The Board of Adjustment shall make a finding that it is either empowered or not empowered by these Zoning Regulations to grant the requested Conditional Use Permit, and that such Conditional Use Permit is either consistent or inconsistent with these Zoning Regulations and the City's most recently adopted Comprehensive Plan. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any conditional use permit or arrive at any determination.

A conditional use permit shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Authorized Official and prior to the Conditional Use Permit expiration date, a one-year time extension for the conditional use permit may be granted by the Authorized Official, subject to the following conditions:

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

3. Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

A conditional use permit approved in accordance with Chapter 19 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

## **19.02 Court Review**

Any person aggrieved by any decision of the Board of Adjustment may petition a court of record within thirty (30) days after the filing of the Board's decision as provided by SDCL 11-4-25.



# Chapter 20 – Definitions

## 20.01 Purpose

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

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

## 20.02 Definitions

**ABUTTING** – Abutting shall mean adjacent or contiguous and shall include property separated by an alley. The term “abutting” implies a closer proximity than the term “adjacent.”

**ACTIVITY** – Any application for a permit under this ordinance or any development or use encompasses within the jurisdiction of this Ordinance.

ACCESSORY USE OR BUILDING – As applied to use, accessory means customarily subordinate or incidental to that of the main building or the main use of the premises, and located on the same lot with such use or structure. As applied to building, accessory means a subordinate detached building of which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

ADULT ARCADE – Any place to which the public is permitted or invited and in which coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

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

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

ADULT CABARET – Any nightclub, bar, restaurant, or other similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity or semi-nudity.
2. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.
3. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

ADULT MOTION PICTURE THEATER – A commercial establishment in which, for any form of consideration, films, motion pictures, videocassettes, slides, or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

**ADULT ORIENTED BUSINESS** – Any adult arcade, adult bookstore or video store, cabaret, adult live entertainment establishment, adult motion picture theater, adult theater, massage establishment that offers adult services, or nude model studios.

**ADULT SERVICE** – Dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or semi-nude during all or part of the time that the person is providing the service.

**ADULT THEATER** - A theater, concert hall, auditorium, or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

**AGRICULTURE** – The production, keeping, or maintenance, for sale, lease or personal use, of plants and land useful to man, including but not limited to: forages and crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AIRPORT** – A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including Heliports.

**ALLEY** – An alley is a public right-of-way which affords only a secondary means of access to abutting property.

**ANTENNA** – Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals.

**AQUIFER** – A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.

**ARCADE** – A building or structure, open to the public, which contains coin operated games and similar entertainment and amusement devices, as the primary use of with five (5) or more games as an accessory use.

**ASSISTED-LIVING CENTER AND CONGREGATE CARE FACILITY** – A licensed health care facility to provide 24-hour supervision of the frail and elderly that provide rooms, meals, personal care,

and supervision of self-administrated medication. They may also provide services, such as recreational activities, financial services, and transportation.

**AUTOMOBILE STORAGE YARD** – The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.

**AWNING/CANOPY** – A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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

**BOARD OF ADJUSTMENT** – Public and quasi-judicial agency charged with duty to hear and determine zoning appeals.

**BOARDING HOUSE** – A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.

**BROADCAST TOWER** – Shall mean a structure, not including offices or studio, for the transmission of radio or television broadcast communications.

**BUILDABLE AREA** – The three-dimensional space within which a building is permitted to be built on a lot and which is defined by maximum height regulations and yard setback requirements.

**BUILDING** – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected on the ground or attached to the ground with a fixed location on the ground.

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

**BUILDING, HEIGHT** – The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest roof, or to the average height of the highest gable of a pitched, hipped, or shed roof. The measurement shall be taken from the average elevation of the finished grade within ten (10) feet of the structure.

**BUILDING LINE** – A line parallel to the curb line touching that part of a building or parking lot closest to the street.

**BUILDING PERMIT** – A document signed by the Authorized Official of the City of Crooks as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building, which

acknowledges that such use or building complies with the provisions of the municipal zoning ordinance or an authorized variance therefrom.

**BUILDING, RESIDENTIAL** – A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings;
2. Single-family attached dwellings;
3. Multiple-family dwellings (including apartment hotels);
4. Lodging houses; and
5. Fraternity and sorority houses.

**BUS PASSENGER TERMINAL** – A place where the transfer of people between modes of transportation takes place.

**BUS/TRUCK TERMINAL** – An area and building where buses, trucks, and cargo is stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

**BUS/TRUCK WASH** – Any building or portions thereof used for washing buses and/or trucks.

**CAMPGROUND, TRAVEL TRAILER PARKING AREA** – 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.

**CAR WASH** – Any building or portions thereof used for washing automobiles.

**CERTIFICATE OF OCCUPANCY** – A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CHANGE OF USE** – Substitution of one thing for another specifically regarding use of land or use of a building.

CHURCH – A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CITY – Means City of Crooks, South Dakota.

CITY COUNCIL – Means Board of City Council Members, Crooks, South Dakota.

CLINIC – An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, optometrists, social workers, etc., and where patients are not usually lodged overnight.

CLUB – Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

COMMERCIAL PARKING LOT/FACILITY – An approved open or enclosed off-street parking area or structure where licensed and operable motor vehicles are temporarily stored for a fee.

COMMISSION – Means City Planning Commission of Crooks, South Dakota.

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

CONDITIONAL USE PERMIT – A permit issued by the Board of Adjustment stating that a Conditional Use complies with the conditions and standards set forth in this Ordinance.

CONSUMER STORAGE UNITS – A warehouse structure containing separate storage spaces for household items, which may be of various sizes, leased or rented on an individual basis. This definition includes warehouse structures containing individual storage spaces for consumer automobiles, campers, recreational vehicles, trailers, ect.

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

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

CONVENT AND MONASTERY – A place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.

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

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

DAY CARE, CENTER – Is normally in a facility used only for providing day care, nursery, or pre-kindergarten services, and is limited in number over twelve (12) by the square footage of usable space available. The ratio is presently thirty five (35) square feet per child indoors and fifty (50) square feet per person outdoors.

DAY CARE, FAMILY – Care is done in a family home, and the number of persons cared for is limited to a maximum of six (6) adults or six (6) children under fourteen. Included in that count are the providers' own children six (6) years and under. See Home Occupation.

DAY CARE, GROUP = Is normally in a family home. The number of persons cared for is seven (7) to twelve (12) adults or children under the age of fourteen including the providers' own children six (6) years and under.

DENSITY – The number of families, individuals, dwelling units, or housing structures per unit of land.

DEVELOPMENT – The carrying out of any construction, reconstruction, alteration of surface, structure, change or land use or intensity of use, and including but not limited to the deposit of refuse, solid or liquid waste, any mining or drilling operation, or work relating to the creation of a road, street, or parking area.

DISTILLATION OF PRODUCTS – A building or premises used for the purification and concentration of a substance by volatilization or evaporation and subsequent condensation.

DISTRICT – A part, zone, or geographic area of the City of Crooks within which certain zoning or development regulations apply.

DRIVE-UP SERVICE WINDOW/DEVICE – An establishment which accommodates the patron's motor vehicles, from which the occupants may obtain or receive a service or obtain a product through a service window or automated device.

DWELLING – A building, or portion thereof, used exclusively for human habitation, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, or lodging houses.

DWELLING, ATTACHED – A one-family dwelling attached to two or more one-family dwellings by common vertical walls

DWELLING, MULTIPLE-FAMILY – A building, or portion thereof, containing three (3) or more dwelling units.

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

DWELLING, SINGLE-FAMILY FARM – Single family dwelling located on a farm which is used or intended for use by the farm’s owner or relative of the owner or a person employed thereon.

DWELLING, TOWNHOUSE – One of a group or row of two or more single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. The townhouse need not face upon a street if otherwise specifically provided in this title. For the purpose of side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

DWELLING UNIT – One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

ELECTRICAL SUBSTATION – A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

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

FAMILY – One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three adults who are unrelated by blood or law. In addition to the persons actually related by blood or law, the following persons shall be considered related by blood or law for the purposes of this title:

1. A person residing with the family for the purpose of adoption;
2. Not more than six persons under eighteen years of age, residing in a foster home licensed or approved by a governmental agency.



3. Not more than four persons eighteen years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency;
4. Any persons living with the family at the direction of a court; and
5. Twenty-four hour supervised living of persons with physical or mental disabilities, but not including group homes for drug and alcohol rehabilitation or halfway houses for persons adjudicated by a court. Such residential facilities shall be licensed by the State of South Dakota and proof of such licensing shall be required prior to zoning certificate approval.

FARM – A parcel of land used for agricultural purposes with a minimum of 10 acres in size.

FARM IMPLEMENT DEALER – The use of any building or land area for the display and sale of new and used farm implements, including any warranty repair work and other repair service conducted as an accessory use.

FARMSTEAD – The area of a farm in which the out buildings sit and is normally protected by a grove(s) and not used for crops or grazing.

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

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

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

FRONTAGE – That side of a lot abutting on a street; the front lot line.

FRUIT/VEGETABLE CANNING AND PROCESSING – A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

GARAGE, PRIVATE – A residential accessory building designed or used for the storage of motor vehicles, excluding commercial vehicles, owned and used by the occupants of the building to which it is an accessory.

**GARDEN CENTER** – Garden center shall mean a building or premises used primarily for the retail sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, and tools, but not including power tools or tractors.

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

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

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

**GRADE** – The average elevation of the land around a building.

**GRAIN TERMINAL** – A facility for the storage of agricultural grains.

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

**GROUP HOME** – A supervised living or counseling arrangement in a family home context providing for the twenty-four (24) hour care of children or adults.

**GROUNDWATER** – Subsurface water that occurs in soils and geologic formations that are fully saturated.

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

**HOME OCCUPATIONS** – A home occupation is any occupation carried on by a member of the immediate family residing on the premises, in accordance with Section 12.11 of these zoning regulations.

**HOSPITAL** – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

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

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

KENNEL – Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

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

LIGHT MANUFACTURING - Those manufacturing processes which are not obnoxious due to dust, odor, 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 – A space within the main building or on the same lot for the standing, loading, or unloading of trucks.

LOT – A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, which may include one (1) main building together with its accessory building, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

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

LOT LINE, REAR – The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregular shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case shall any structure be closer than three (3) feet to any lot line.

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

LOT OF RECORD – A lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the effective date of this ordinance.

MANUFACTURE OF: ACID, ALCOHOL, AMMONIA, ASPHALT, BLEACH, CEMENT, CHLORINE, DYESTUFFS, EXPLOSIVES, FERTILIZER, GLUE, GYPSUM, LIME, OILS, PLASTER OF PARIS, SHELLAC, SIZING, TURPENTINE OR YEAST, ETC. – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MANUFACTURED HOME – A dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of the manufacture is required.

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

MASSAGE ESTABLISHMENT – An establishment in which a person, firm, association, or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This subdivision does not apply to:

1. Physicians who are licensed pursuant to SDCL 36-4 or a podiatrist licensed pursuant to SDCL 36-8.
2. Registered nurses or licensed practical nurses who are licensed pursuant to SDCL 36-9.
3. Physician assistants who are licensed pursuant to SDCL 36-4A or certified nurse practitioners and certified nurse midwives who are licensed pursuant to SDCL 36-9A.

4. Physical therapists licensed pursuant to SDCL 36-10.
5. Athletic trainers licensed pursuant to SDCL 36-29.
6. Massage therapists licensed pursuant to SDCL 36-35.
7. Chiropractors licensed pursuant to SDCL 36-5.

MINI-WAREHOUSE – A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, business services, or human habitation.

MORTUARY – A place for the storage of human bodies prior to their burial or cremation.

MOTEL – A motel is an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists. See Hotel/Motel.

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

MOTOR VEHICLE REPAIR – Any building or premises involving the repair and/or painting of motor vehicle bodies or parts thereof and the rebuilding and/or overhauling of engines or transmissions.

MOTOR VEHICLE, COMMERCIAL – Any vehicle which has more than sixteen (16) square feet of signage or which is adapted, designed, equipped, and used to perform a specific commercial function and which does not meet the definition of Motor Vehicle, Personal/Passenger as defined herein.

MOTOR VEHICLE, INOPERABLE – A motor vehicle which is not in operating condition due to damage, removal, or inoperability of one or more tires and/or wheels, engine, or other essential parts, or which is not in operating condition due to damage or removal of equipment

as required by the State of South Dakota for its lawful operation, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.

**MOTOR VEHICLE, PERSONAL/PASSENGER** – Any car, pickup-truck, or van which has no more than sixteen (16) square feet of signage and which is designed and facilitates personal/passenger travel and has not been externally altered with features not customary to personal usage.

**MOTOR VEHICLE, RECREATIONAL** – Any vehicle which is adapted, designed, and equipped to facilitate leisure time activities including but not limited to the following: ATVs, boats, motor bikes, snowmobiles, along with trailers to haul said vehicles; RVs and travel trailers.

**MOTOR VEHICLES, DISPLAY AND RENTAL** – The use of any building, land area, or premises, for the display, sale, or rental of new or used motor vehicles, and including any warranty repair work and other repair service conducted as an accessory use. The sale or display of inoperable motor vehicles is not allowable as part of this use category. See Junkyard.

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

**NEIGHBORHOOD UTILITY FACILITY** – Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes; mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed one hundred twenty (120) square feet of an area necessary for conduction a service by a government or public utility.

**NONCONFORMING USE** – A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this title, but which fails, by reason of such adoption, revision, or amendment, to conform to the present use restrictions of the zoning district in which it is located.

**NUDE MODEL STUDIO** – A place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed, or otherwise depicted by other persons who pay money or other

considerations. The term, nude model studio, does not include a proprietary school that is licensed by this state, a college, or university that is supported entirely by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college or university that is supported entirely or in part by taxation or a structure to which the following apply:

1. A sign is not visible from exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.
2. A student must enroll at least three days in advance of a class in order to participate.
3. No more than one nude or seminude model is on the premises at any time.

NUDE, NUDITY, OR STATE OF NUDITY – Any of the following:

1. The appearance of a human anus, genitals, or a female breast below a point immediately above the top of the areola.
2. A state of dress that fails to opaquely cover a human anus, genitals, or a female breast below a point immediately above the top of the areola.

NURSERY – Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

NURSING HOME – An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE BUILDING – A building designed for or used as the office of professional, commercial, industrial, financial, religious, institutional, public, or semipublic persons or organizations. Broadcast stations, offices, and studios shall be considered office buildings; broadcast towers as defined in this title shall not be considered office buildings.

OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT – Any use which has been licensed to sell alcoholic beverages for consumption off the premises where sold.

ON-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT – Any use which has been licensed to sell alcoholic beverages for consumption upon the premises where sold, except for special one-day liquor or special malt beverage licenses.

OUTDOOR STORAGE – The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material,

merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of junkyard as defined herein.

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

**PARTY WALL** – A common shared wall between two separate structures, buildings, or dwelling units.

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

**PERMITTED USES** – Any permissive or conditional uses allowed in a zoning district subject to the restrictions applicable to that zoning district.

**PERSONAL SERVICES** – Establishments primarily engaged in providing services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning; receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental.

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

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

**PRINCIPAL BUILDING** – A building in which is conducted the primary or predominant use of the lot on which it is located.

**PRINCIPAL USE** – The primary or predominant use or building of any lot.

**PRINTING PLANT** – A commercial printing operation which makes reproductions involving the use of a printing press and the making of photographic plates.

**PRIVATE CLUB** – A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.



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

PROPERTY LINE – See Lot Lines.

PUBLIC UTILITY FACILITIES – See Neighborhood Utility Facilities. The definition is the same as the Neighborhood Utilities Facilities except that buildings, structures, and facilities that exceed one hundred twenty (120) square feet are allowable.

QUARRY – A surface excavation used for the removal of rock, stone, sand, gravel, and fill dirt for sale or use off-site and includes sifting, crushing, and washing and bagging.

RECREATIONAL FACILITY – A facility that is located on or next to the ground, including but not limited to: swimming pools, putting greens, volleyball, tennis and basketball courts; batting, pitching, soccer, and golf cages and nets; hockey and ice rinks, skate board ramps, trampolines, portable flooring for aerobics, dance, and weight lifting.

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

RECYCLING COLLECTION FACILITY – An established facility where recyclable materials are collected for shipment off site, with no processing such as grinding or crushing of the materials. Fully enclosed automated self-service aluminum collection machines not more than seven hundred fifty (750) square feet are considered recycling collection facilities regardless of whether they contain a crusher or grinder. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.

RECYCLING PROCESSING FACILITY – An established facility where recyclable materials are collected and/or processed for shipment off site, including processing operations such as grinding or crushing of the materials. No on-site sales of materials, nor salvage-type automobiles may be processed at these types of facilities. Facilities which handle recyclable hazardous materials, or waste petroleum products as a primary or substantial portion of their business are not included.

RESIDENCE – A permanent dwelling place.

RETAIL SERVICES AND TRADE – Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health,

professional, educational, and social services, and other miscellaneous services but does not include on-sale or off-sale alcoholic beverage establishments.

RESTAURANT – An establishment where food and drink is prepared, served, and consumed primarily within the principal use.

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

ROOMING/BOARDING HOUSE – See Boarding House

SCHOOL, ELEMENTARY OR SECONDARY (HIGH SCHOOL) – Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.

SEMINUDE – A state of dress in which clothing covers no more than the genitals, pubic region, and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

SETBACK/SETBACK LINE – That line that is the required minimum distance from any lot line that establishes the area within which the principal use must be erected or placed.

SHALLOW/SURFICIAL AQUIFIER – An aquifer in which the permeable media (sand and gravel) starts near the land surface immediately below the topsoil. The shallow aquifer is further defined as an aquifer within fifty (50) feet or less below the land surface within fifteen (15) feet or less of continuous overlying, extremely low permeability material, such as clay, till, or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability material for purposes of this ordinance; or, the aquifer is greater than fifty (50) feet but less than one hundred (100) feet below the land surface with thirty (30) feet or less of continuous overlying low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.

SIGN – Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include signs not exceeding twelve (12) square feet for advertising the sale or lease of real estate, national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

SIGN, ABANDONED – A freestanding or wall sign that is located on property that has been vacated for a period of six months or more.

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

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

SIGN, FREESTANDING (GROUND SIGN) – A sign supported by one or more uprights, poles, or braces in the ground, thereby freestanding, and not attached to any building.

SIGN, ILLUMINATED – Any sign characterized by the use of artificial light, either projecting through its surface or reflecting off its surface.

SIGN, NONCONFORMING – Any type of sign that lawfully existed prior to the adoption, revision, or amendment to this title but which fails, by reason of such adoption, revision, or amendment to conform to the present use restrictions of the zoning district in which it is located.

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, PERMANENT – Signs that exist perpetually; everlasting, especially without significant change.

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

SIGN, TEMPORARY – A device, display, structure, or pennant that acts as a sign and is intended to be displayed for a limited time period.

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

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

**SOLID WASTE TRANSFER FACILITY** – A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

**SPECIFIED ANATOMICAL AREAS** – Any of the following:

1. A human anus, genitals, the pubic region, or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
2. Male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIC SEXUAL ACTIVITIES** – Any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation, or sodomy.
3. Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breast.
4. Excretory functions as part of or in connection with activities under subsection (1), (2), or (3) of this subdivision.

**STORY** – Story is 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, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

**STREET** – A public way which affords the principal means of access to abutting property.

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

STREET, COLLECTOR – A street which carries traffic from local streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such development.

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

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

STRUCTURE – Anything constructed or erected on the ground or attached to the ground with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures, include buildings, walls, fences, signs, docks, dams, manufactured homes, and sheds.

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

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

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

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

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

TRAVEL TRAILER – Means any of the following:

1. Travel Trailer. A vehicular, portable structure build on a chassis, designed to be used as temporary dwelling for travel, recreational, and vocational uses, permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the

road, it shall have a body width not exceeding eight (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 any integral part of a self-propelled vehicle.
4. Camping Trailer. A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

TREE, REQUIRED – A tree which is required by this ordinance and meets or exceeds the minimum specifications according to tree type.

USE, ACCESSORY – See Accessory Building or Use

USE, PERMITTED – A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

USE, PRINCIPAL – A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use includes off-premise advertising.

WAREHOUSE – A warehouse structure where non-standard household consumer items or commercial and industrial goods are stored either collectively or in separate storage spaces, leased or rented as determined by the owner. These goods are typically received from heavy trucks and then stored for subsequent delivery to off-site wholesalers, retailers, or consumers. This definition includes warehouse structures containing storage spaces for consumer automobiles, campers, recreational vehicles, trailers, etc.

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

WHOLESALE MERCHANDISING / WHOLESALE 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.

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

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

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

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

YARD LINE – See Building Line

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

YARD, REQUIRED – Shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this title.

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

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

ZONE – A specifically delineated area or district of the City of Crooks within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

