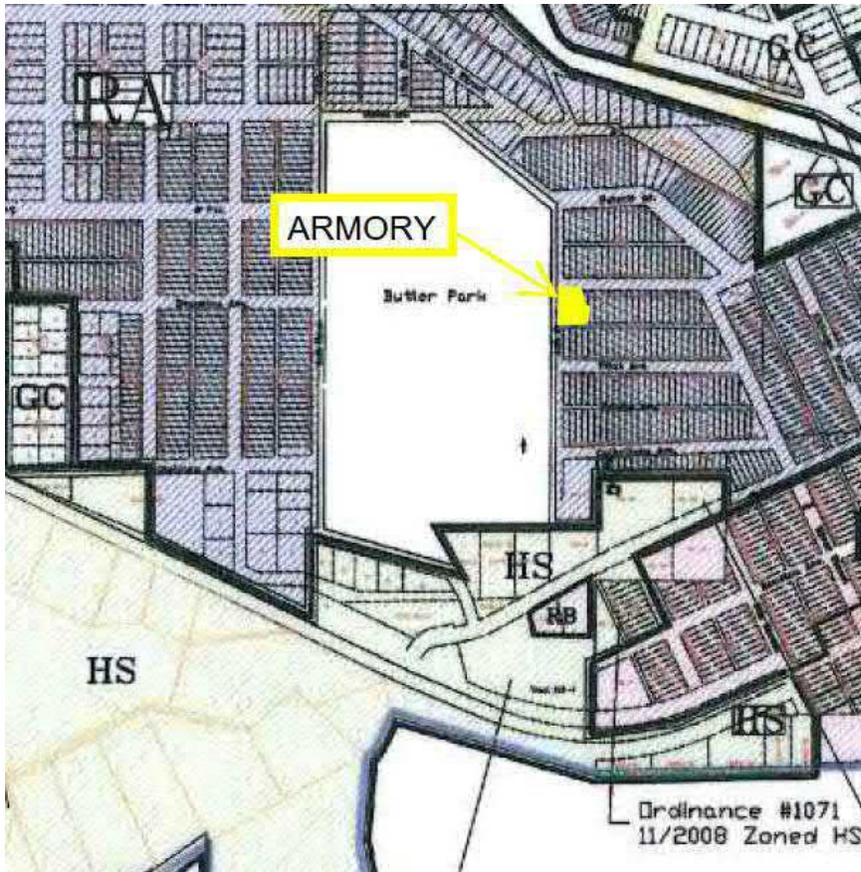
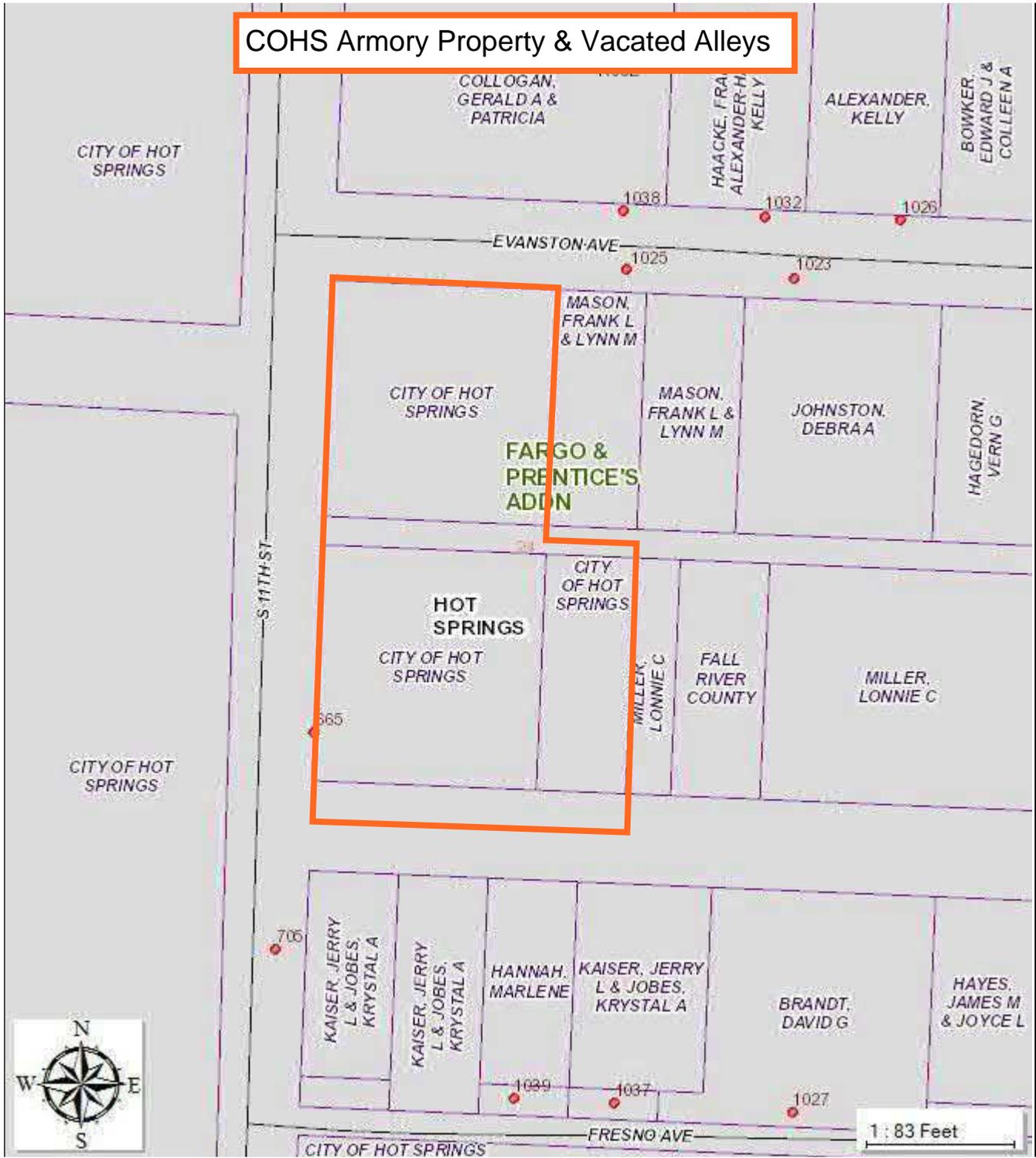


# CITY OF HOT SPRINGS – ARMORY PROPERTY – ZONED RA

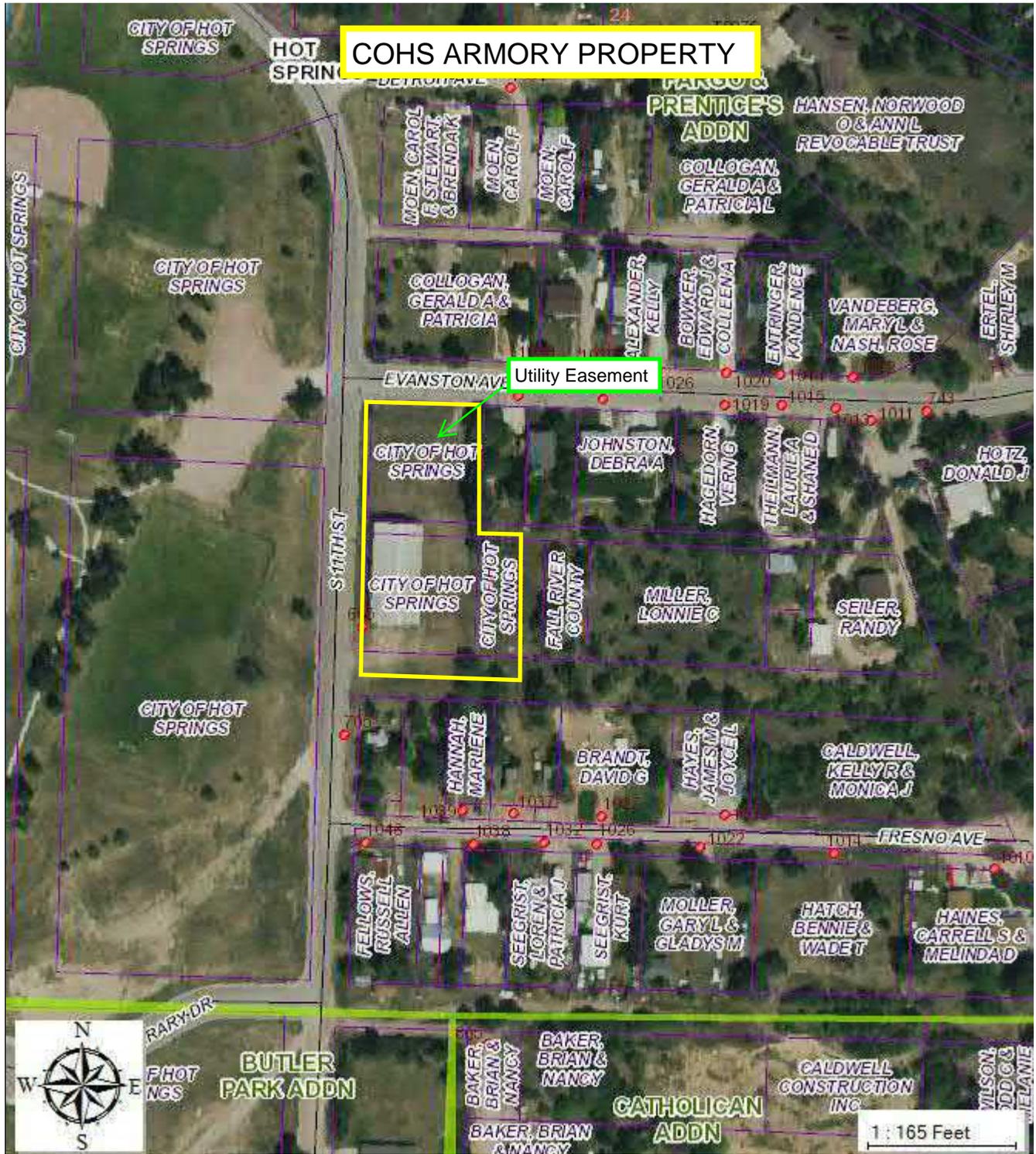


LEGEND	
RA	Class 'A' Residential
RB	Class 'B' Residential
HS	Mountain Residential
GC	General Commercial
HS	Highway Service
MXD-1	Mixed Use
GCRA	Golf Course Res. A
GCC	Golf C. Commercial
—	ZONE BOUNDARIES
—	CORPORATE BOUNDARY
—	ADDITION BOUNDARIES

# COHS Armory Property & Vacated Alleys



# COHS ARMORY PROPERTY



For Variation of Alley in Block 14  
 to Commercial Ave. between  
 blocks 1416. See Book 5220.  
 Page 303.

For change of alley in block  
 18 to 3rd Ave. & name of  
 Commercial Ave. to Catholic Ave.  
 See Book 72 Nov. Page 95

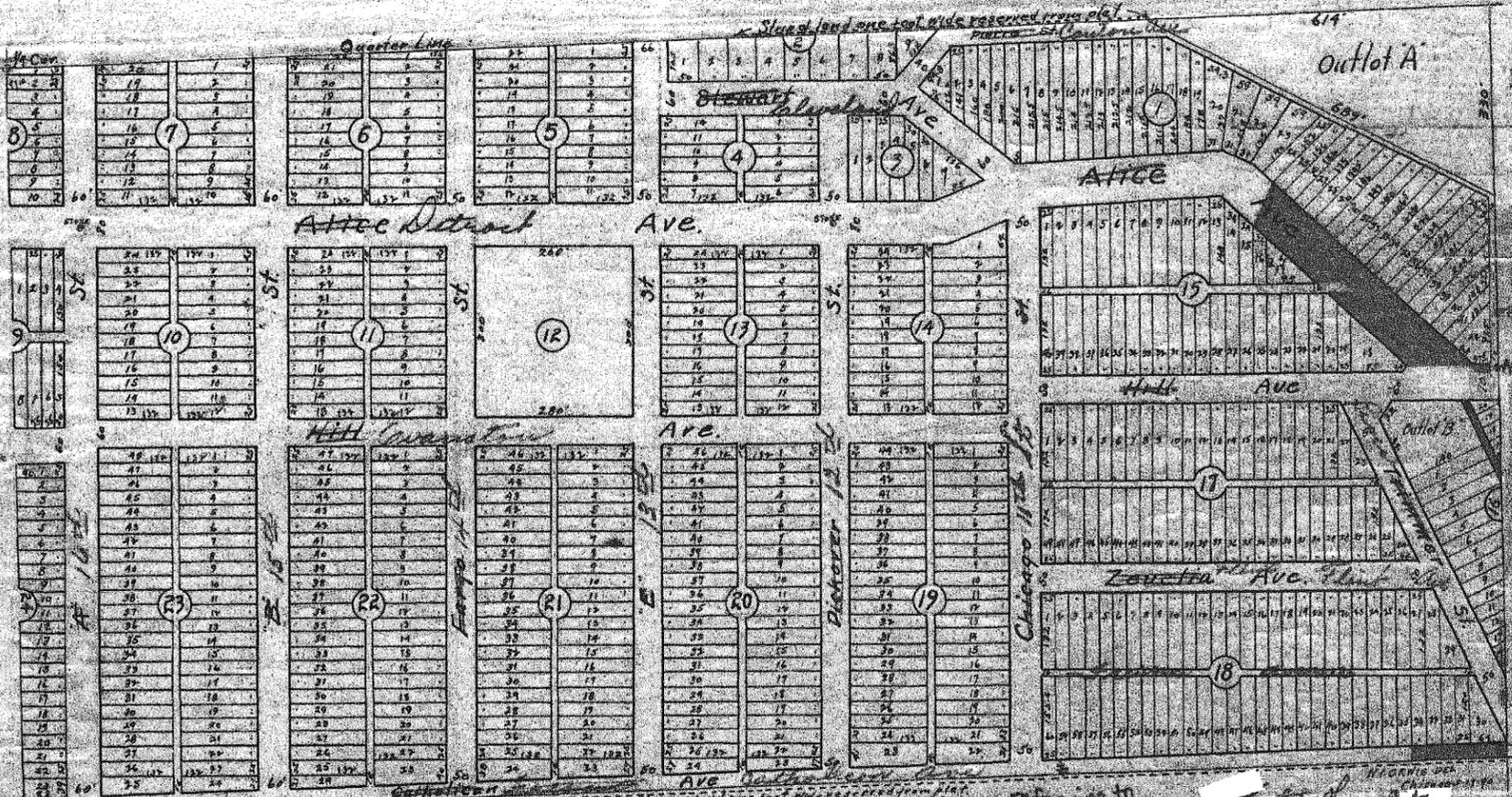
Vacation of pt. Evanston Ave. BK: 53M PG: 407

For Variation of Part of Section  
 between Block 10 & Block 15. See  
 Book 100 Nov. Page 332

# FARGO AND PRENTICE'S ADDITION TO THE TOWN OF HOT SPRINGS FALL RIVER CO. S. DAK.

2

200' = 1"



I, Walter Scott do hereby certify that at the request of Charles C Fargo I did on the 19th day of May A.D. 1890 survey and plat into blocks and lots, streets and alleys for the purpose of laying out and establishing Fargo and Prentice's Addition to the Town of Hot Springs the north half of the south west quarter of section twenty four (24) in township seven (7) south of range two (2) east of the Black Hills Meridian and situate in Fall River County in the State of South Dakota as shown upon the within plat. I further certify that the said Charles C Fargo did at the time of laying out said subdivision cause to be firmly fixed in the ground two good and sufficient corner or such size as directed by me as surveyor and that the points where the same may be found are designated on the within plat.

Witness my hand this 26th day of May, A.D. 1890

Walter Scott, Surveyor

State of South Dakota ss  
 County of Fall River ss  
 On this 26th day of May A.D. 1890 before me C.E. Sawyer, a Register of Deeds in and for said County and State personally appeared Walter Scott known to be the person who as surveyor executed the foregoing survey certificate and acknowledged the within plat and that the same was prepared by him as his free act and deed for the purposes therein stated.

Witness my hand and official seal the day and year aforesaid.

C.E. Sawyer  
 Register of Deeds

State of South Dakota ss  
 County of Fall River ss  
 On this 26th day of May A.D. 1890 before me a Notary Public in and for said County and State personally appeared Vernette E. Prentice and Ella C. Prentice known to me to be persons who executed the above instrument and acknowledged the within plat and that the subdivision of the lands as on said plat shown is their free act and deed for the uses and purposes above stated.

Witness my hand and official seal the day and year aforesaid.

William D. Cooper, Notary Public

Be known that the undersigned owners of the land described in the foregoing surveyor certificate did cause the same to be subdivided and platted for the purpose of laying out and establishing Fargo and Prentice's Addition to the Town of Hot Springs that the within plat is a true representation of the subdivision and that the streets and alleys as is on said plat shown are dedicated to public use forever except that we reserve unto ourselves the exclusive right to build street railroads along or across any of the said streets and alleys and to operate the same by horse, electricity or steam power.

In testimony whereof we have hereunto set our hands and seals this 19th day of May A.D. 1890

Vernette E. Prentice (J.S.)  
 Ella C. Prentice (C.H.)  
 Charles C. Fargo (C.S.)  
 Nettie M. Fargo (C.S.)

State of South Dakota ss  
 County of Fall River ss  
 On this 26th day of May A.D. 1890 before me a Notary Public in and for said County and State personally appeared Charles C. Fargo and Walter M. Fargo his wife known to me to be persons who executed the above instrument and acknowledged the within plat and that the subdivision of the lands as on said plat shown is their free act and deed for the uses and purposes above stated.

Witness my hand and natural seal the day and year aforesaid.

Edward K. DePuy, Notary Public

For Changes of streets  
 Resubdivided, platted & recorded in Book 100 Nov. Page 332

## **CHAPTER 155: ZONING CODE – RELEVANT SECTIONS**

Section

### ***General Provisions***

- 155.001 Title and purposes
- 155.002 Definitions
- 155.003 Zoning districts and map
- 155.004 Uses permitted on review
- 155.005 Nonconforming buildings, structures and uses of land

### ***District Regulations***

- 155.020 Residential A District (RA)

### ***Supplementary Regulations***

- 155.045 Landscape requirements, aesthetic barriers and screening requirements
- 155.046 Permitted accessory structures
- 155.048 Yard and building setback and open space exceptions
- 155.049 Minimum off-street parking requirements
- 155.050 Storage and parking of vehicles, trailers and equipment
- 155.053 Customary home occupations
- 155.056 Lighting, outside

### ***Administration and Enforcement***

- 155.070 Organization
- 155.071 Variances
- 155.072 Certificate of occupancy
- 155.073 Procedure for authorizing uses permitted on review

## **GENERAL PROVISIONS**

### **§ 155.001 TITLE AND PURPOSES.**

(A) *Title.* An ordinance to provide for the establishment of zoning districts within which the proper use of land and natural resources shall be encouraged and regulated; to establish minimum standards for open space, building and population density; to regulate the occupancy and use of dwellings, buildings and structures, mobile and manufactured housing, including tents, campers and recreational vehicles (RVs), that may hereafter be erected, altered or moved; to provide for the administration hereof; to provide for a method of amending; to provide for conflicts with other acts, ordinances or regulations; to provide for the collection of fees for the furtherance of the purpose of this chapter; to provide for petitions and public hearings; to provide for appeals and for the organization and procedure of the Board of Adjustment; and to provide for penalties for the violation of this chapter.

(B) *Short title.* These regulations shall be known and may be cited as “The City of Hot Springs Zoning Ordinance.”

(C) *Purposes.* It is the purpose of this chapter to promote the safety, health, morals, convenience and general welfare; to encourage the use of land and natural resources in the city in accordance with their character, adaptability and suitability for particular purposes; to conserve social and economic stability, property values and the general character and trend of community development; to prevent excessive concentration of population; to facilitate adequate provision of streets and highways, storm water drainage, sewage treatment, water supply and distribution, educational and other public resources by establishing herein standards for community development in accordance with these objectives and by providing for the enforcement of such standards.

(Prior Code, § 27-A-01)

## § 155.002 DEFINITIONS.

For the purposes of this chapter and in order to carry out the provisions and intentions as set forth herein, certain words, terms and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "person" includes a firm, partnership or corporation, as well as an individual; the word "lot" includes the word "plot" or "parcel," and the word "building" includes the word "structure," the term "shall" is always mandatory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY APARTMENT.** A single apartment on the main commercial use floor of a one to one and one-half story structure where the apartment takes up no more than 25% of the overall ground floor area and the commercial use is maintained as the primary use and occupies the store front.

**ACCESSORY BUILDING.** A subordinate building, the use of which is incidental to that of a main building located on the same lot therewith.

**ACCESSORY USE.** A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**ALLEY.** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

**ALTERATIONS.** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a size or by increasing in height, or the moving from one location or position to another.

**AREA, BUILDING.** The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps

**AVERAGE GROUND ELEVATION.** The elevation of the mean finished ground surface at the front wall of a structure.

**BASEMENT.** A portion of a building that is partly or completely below grade, as defined in the International Building Codes. A walk-out **BASEMENT** shall be counted as a one-half story

**BOARD.** The Board of Adjustment for the City of Hot Springs, South Dakota.

**BUILDING.** Any enclosed structure intended for shelter, housing or enclosure of persons, animals or chattel.

**BUILDING AREA OF A LOT.** The portion of a lot bounded by the required rear and side yards and front yard or the building setback line.

**BUILDING CODES.** The International Building Code, International Residential Code, International Existing Building Code, International Fire Code, International Plumbing Code, International Mechanical Code and the International Property Maintenance Code, as officially adopted by the city.

**BUILDING, HEIGHT OF.** The vertical distance measured from the average ground elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING INSPECTOR.** The person under the direction of the Building Official responsible for duties relating to the Building Department.

**BUILDING MAIN OR PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be a **MAIN BUILDING** on the lot on which it is situated.

**BUILDING OFFICIAL.** The appointed official responsible for the administration and enforcement of the city's codes and ordinances regulating construction, use or occupancy of buildings and structures, public or private.

**BUILDING SETBACK LINE.** A line delineating the minimum allowable distance between the street right-of-way and the front of a structure, within which no building or other structure shall be placed except as provided in § 155.048. The **BUILDING SETBACK LINE** is parallel to or concentric with the street right-of-way.

**BUILDING SITE.** A single parcel of land under one ownership occupied or intended to be occupied by a building or structure

**BUSINESS SERVICES.** Any activities conducted for gain which render service primarily to other commercial and industrial enterprises, or which service and repair appliances and machines used in a home or business.

**CARPORT.** A temporary or permanent unenclosed detached accessory structure, without doors, used for the sheltered parking of vehicles. **CARPORTS** enclosed on more than two sides shall be considered a garage.

**CERTIFICATE OF OCCUPANCY.** The document issued by the Building Official when a new use is being established and the building has been inspected and found to meet adopted codes and ordinances relating to construction and use. Such **CERTIFICATE** authorizes occupancy of the building for its specified use.

**CONDOMINIUM.** The owner owns the living space, but does not own the land or the exterior of the structure. Condominiums can have properties attached to either side and above and/or below, such as a high-rise condominium building. A townhouse can be sold as a **CONDOMINIUM**, but a **CONDOMINIUM** cannot be sold as a townhouse.

**CONTRACTOR, SMALL SCALE.** A provider of construction services whose primary operations of their specific trade or product takes place primarily indoors such as plumber, electrician, cabinet/countertop maker, heating/cooling supplier, window and door installers, for example.

**SMALL SCALE CONTRACTORS** store their raw materials, goods and supplies indoors with outdoor storage being only what is required to park vehicles, outdoor installation materials and specialized trade-related trucks, excluding semis, trailers and other types of earthmoving equipment.

**DESIGN CAPACITY** or **OCCUPANCY LOAD.** The maximum number of persons which can be accommodated at any one time with a reasonable degree of comfort, safety and convenience.

**DISTRICT.** Any section or sections of the municipality of the City of Hot Springs for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

**DWELLING.** A building or portion thereof, exclusive of manufactured homes as herein defined, used for residential purposes.

**DWELLING, SINGLE-FAMILY.** A detached building designed to be occupied exclusively by one family, to include modular manufactured homes that give the appearance of a house, with a pitched roof, with horizontal lap or wood siding, and when placed on a permanent frost-free perimeter foundation which meets all building codes.

**DWELLING, TWO-FAMILY.** A detached building to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

**DWELLING, MULTIPLE.** A building designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

**DWELLING UNIT.** One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

**ELECTRICAL UTILITY SUBSTATION.** An electrical utility facility containing large capacity transformers fed by incoming high voltage transmission lines. Within the facility, voltages are reduced and fed to several distribution circuits that distribute electrical energy to areas with a predominate single use (i.e., industrial, residential, commercial area).

**FAMILY.**

(1) One or more persons related by blood, marriage or adoption or a group not to exceed five persons (excluding servants) none of whom are related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group

occupying a boarding or lodging house, hotel, club or similar dwelling for group use.

(2) The term **FAMILY** shall also include up to four foster children or two foster adults, or any combination thereof not to exceed four persons, of a legally licensed foster care provider. A greater number of foster children or adults shall be considered a foster home.

**FLOOR AREA.** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure, to include finished and unfinished basements.

**FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

**GARAGE, PRIVATE.** An attached or detached non-habitable accessory structure used primarily for the storage of personal motor vehicles and storage of personal belongings.

**GOVERNING BODY.**

(1) The duly elected officials of a corporate political entity to whom authority is given to make, adopt or amend zoning regulations; or

(2) City Council, when used in conjunction with the aldermanic form of government.

**GRADE, ESTABLISHED.** The elevation of the centerline of the streets as officially established.

**GRADE, FINISHED.** The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**HISTORICAL MONUMENTS AND/OR STRUCTURES.** Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementoes of such event or period are housed and preserved.

**HOME OCCUPATION.**

(1) A gainful occupation conducted by members of the family only within the dwelling or on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no display except a regulated sign will indicate from the exterior that the building or land is being utilized in part for any purpose other than that of a dwelling.

(2) Activities conducted entirely within the residence, such as internet transactions or stock market transactions from a home office, which does not account for any vehicle or pedestrian traffic pertaining to that activity, and where there is no outward display of that activity, shall be exempt from the requirements of § 155.073.

**LOT.** A parcel of land which is or may be occupied by a single main building and its accessory buildings or used customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by this chapter.

**LOT, AREA.** The total horizontal area included within lot lines.

**LOT, CORNER.** A lot of which at least two adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than 135 degrees.

**LOT, COVERAGE.** The lot area covered by all buildings and structures, or parts of buildings or structures, permanent or temporary, except as provided in § 155.048.

**LOT, DEPTH.** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**LOT, DOUBLE FRONTAGE.** A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

**LOT, FRONTAGE.** The dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

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

**LOT, LINES.** The lines bounding a lot as defined herein.

**LOT LINE, FRONT.** In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for building permit.

**LOT LINE, REAR.** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot

line, not less than ten feet long and wholly within the lot.

**LOT LINE, SIDE.** A side lot line is any lot boundary line not a front lot line or a rear lot line.

**LOT, WIDTH.** The width of a lot at the building setback line measured at right angles to its depth.

**MANUFACTURED HOME.** Sometimes referred to as a **MOBILE HOME** or **TRAILER HOME.** A portable dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels and designed to be connected to utilities for year-round occupancy. The term shall include:

(1) Units containing parts that may be folded, collapsed, extended or retracted when being towed and that may be expanded to provide additional capacity.

(2) Units composed of two or more separately towable components designed to be joined into one integral unit, capable of being separated again for repeated towing.

**MANUFACTURED HOME SPACE.** A plot of ground within a mobile home area which is designed for and designated as the location for two automobiles and one mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

**MODULAR HOME.** A single finished dwelling unit, or a dwelling unit comprised of two or more components designed to be permanently joined into a single unit, which is designed to be placed on a permanent frost-free perimeter foundation, with or without a basement. The specifications and completed unit shall comply with the International Residential Code as adopted. Not a manufactured or mobile home.

**NONCONFORMING USE.** A building, structure or use of land existing at the time of enactment of this chapter and which does not conform to the regulations of the district in which it is situated.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or anything that is in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**PARKING LOT.** An off-street facility parking space along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six automobiles.

**PARKING SPACE.** An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

**PLANNING AND ZONING COMMISSION.** The City of Hot Springs Planning and Zoning Commission, also herein referred to as **COMMISSION** or **THE COMMISSION.**

**PLAT.** A map, plan or layout indicating the location and boundaries of individual properties.

**PRINCIPAL USE.** The specific primary purpose for which land or a building is used.

**PROPERTY LINE.** The legal property border line dividing private ownership from other private ownership or public right-of-way.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, sewer system or water system.

**PUBLIC UTILITY SUBSTATIONS, SERVICE YARDS AND PUMPING STATIONS.** Include service yards used for the storage of utility supplies and for the servicing of utility vehicles and equipment.

**REQUIRED SETBACK.** A distance necessary to obtain the minimum front, side and rear yards required by this chapter.

**SANITARY SEWER.** A municipal or community sewage disposal system of a type approved by the State Department of Health.

**SHOP BUILDING.** A heated structure designed and intended for storage or occupied occasionally as a temporary work place that is provided with water and sewer services. See **BUILDING, SHOP.**

**STORY.** The portion of a building, other than a cellar, included between the surface of any floor

and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**STREET** or **LANE.** A public or private thoroughfare which affords the principal means of access to abutting property.

**STREET GRADE.** The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is an officially established grade, the existing grade of the street at such midpoint shall be taken as the **STREET GRADE.**

**STREET, INTERSECTING.** Any street which joins another street at an angle, whether or not it crosses the other.

**STREET LINE.** The legal line between street right-of-way and abutting property.

**STRUCTURE.** Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, platforms, radio and television towers, sheds, storage bins, fences and display signs.

**TOWNHOUSE.** One of a group of two or more attached single-family dwelling units built on one or more common lot lines. A **TOWNHOUSE** can be sold as a condominium, but a condominium cannot be sold as a townhouse.

**USE.** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**UTILITIES.** Municipal and franchised utilities, and any other utility approved by the city.

**WALKWAY.** A path or area for pedestrians.

**WAY.** A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**YARD.** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this chapter that building or structure may be located in a portion of a yard required for a main building. In measuring a **YARD** for the purposes of determining the width of the side yard, the shortest horizontal front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT.** An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the **FRONT YARD** shall be measured between the front line of the building and the street line.

**YARD, REAR.** A place on the same lot with the principal building, between the rear line of the building and the rear line of the lot and extending the full width of the lot, which is unoccupied except for permitted accessory structures.

**YARD, SIDE.** An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**ZONING ADMINISTRATOR.** The official designated by the City Council to administer the city's zoning regulations.

(Prior Code, § 27-A-02) (Ord. 1157, passed 10- -2015)

### **§ 155.003 ZONING DISTRICTS AND MAP.**

(A) *Establishment of zoning districts.*

(1) For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community of the city, it is hereby divided into districts of 12 different types, each being such number, shape, kind and area, and such common unity of purpose, and adaptability of use, that are deemed most suitable to carry out the purpose of this chapter.

(2) Type of Districts:

(a) RA - Residential A (§ 155.020);

(b) RB - Residential B (§ 155.021);

- (c) MR - Mountain Residential (§ 155.022);
- (d) GC - General Commercial (§ 155.023);
- (e) MXD-I - Mixed Use District-I (§ 155.024);
- (f) HS - Highway Service (§ 155.025);
- (g) GI - General Industrial (§ 155.026);
- (h) GD - Greenway District (§ 155.027);
- (i) NU - No Use District (§ 155.028);
- (j) MGC - Golf Course (§ 155.029);
- (k) GCRA - Golf Course Residential A (§ 155.030);
- (l) GCC - Golf Course Commercial (§ 155.031); and
- (m) PUD - Planned Unit Development (§ 155.032).

(B) *Zoning map.* The location and boundaries of the zoning districts established by this chapter are denoted and defined as shown in the map entitled “Zoning Map of the City of Hot Springs, South Dakota,” adopted June 22, 1982 and certified by the City Finance Officer. The said map together with everything shown thereon with all amendments adopted thereto, is hereby incorporated into this chapter as fully set forth and described herein. The zoning map shall be kept and maintained by the Building Official and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

(C) *Scope of regulations.* The regulations applying to each district include specific limitation on the use of land and structures, height and bulk of structures, density of population, lot area, yard dimension and area of lot that can be covered by structures.

(D) *Rules for interpretation of district boundaries.* Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply.

(1) Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the centerlines of such streets, highways or alley.

(2) Boundaries shown as following or approximately following platted lot lines or other property lines, such lines shall be construed to be said boundary lines.

(3) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

(4) Boundaries shown as following or approximately following the centerline of streams, rivers or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses and the said boundaries shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.

(5) Boundaries shown as following or closely following the limits of political jurisdictions shall be construed as following such limits.

(6) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive districts shall govern the entire parcel in question, unless otherwise determined by the governing body.

(7) Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

(Prior Code, § 27-A-03) (Ord. 964, passed 2- -2000; Ord. 1033, passed 4- -2008)

#### **§ 155.004 USES PERMITTED ON REVIEW.**

In order to accomplish the general purpose of this chapter, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas and or are potentially incompatible with existing development. These uses may be considered by the governing body through the procedure provided in § 155.073. Other uses permitted on review:

(A) *Cemetery.*

(1) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

(2) Any new cemetery shall be located on a site containing not less than 20 acres.

(3) All other structures including but not limited to mausoleum permanent monument or maintenance building, shall be set back not less than 25 feet from any property line or street right-of-way line.

(4) All graves or burial lots shall be set back not less than 25 feet from: any property line or street right-of-way line.

(5) All required yards shall be landscaped and maintained.

(B) *Drive-in theater.*

(1) The site must have direct access to a major public road.

(2) In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.

(3) The theater screen shall not be visible from any public street within 1,500 feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence or densely planted evergreen hedge not less than six feet in height.

(4) Loading space for patrons waiting admission to the theater shall be equal to 20% of the capacity, be separated, and internal circulation shall be laid out to provide one-way traffic.

(5) Sale of refreshments shall be limited to patrons of the theater.

(6) No central loudspeakers shall be permitted.

(7) All parking areas and access ways shall be adequately lighted, provided however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

(8) Amusement parks or kiddielands shall be limited to patrons of the theater.

(9) The connecting driveways shall be surfaced with permanent paving, maintained in good condition and free of all weeds, dust, trash and other debris.

(C) *Public and private utilities and services.* Where permitted, public and private utilities and services shall be subject to the following requirements.

(1) *Health Department report.* Application for permission to operate water works and/or sewage treatment plants shall be accompanied by a report and a recommendation from the State Department of Health. Such recommendations as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent shall be incorporated into and made a part of the application.

(2) *Lot area and location.* The required lot area and location shall be specified as part of the application and shall be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.

(3) *Fencing and/or screening.* Where findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding residential properties may ensue, fencing or screening with an evergreen hedge or other shielding material may be required in a manner consistent with such findings.

(4) *Public utilities service yards.* Shall be screened by a seven-foot obscuring fence, wall or mass planting or otherwise so located as not to be obnoxious to the orderly appearance of the district.

(D) *Daycare facilities.* The facilities, operation and maintenance shall meet the requirements of SDCL Chapter 26-6 regulating daycare facilities and local zoning regulations.

(E) *Automobile wrecking and junk yards.*

(1) No such operation shall be permitted closer than 300 feet from any established residential district.

(2) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall excepting driveway areas, having a minimum height of eight feet. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be within the buildable area of the lot and shall be properly painted or otherwise maintained in good condition.

(3) Off-street parking: as regulated in § 155.049.

(4) The number of vehicular access driveways permitted on any single street frontage should be limited to:

- (a) One driveway where the parcel to be used has a maximum street frontage of 100 feet or less;
- (b) Two driveways where the street frontage exceeds 100 feet; and
- (c) Driveways used for ingress and egress shall be limited to 25 feet in width, exclusive of curb returns.

(F) *Recreational fads.* An application for a permit for recreational fads including trampoline centers, cart tracks, roller rinks, amusement parks and similar recreational activities not specifically covered by these regulations, shall be reviewed by the governing body as regulated in § 155.073.

(G) *Recreational Vehicle (RV) parks.*

(1) RV parks will be allowed only with the approval of the City Council as provided in § 155.073.

(2) RV parks will be inspected and licensed annually and a fee will be charged.

(3) An application for an RV park use permit shall be made as follows: application for a permit shall be made on a form provided by the city and submitted to the Zoning Administrator. Each application shall be accompanied by three copies of the plan drawn to scale. The application for a permit shall be accompanied by a minimum fee of in an amount as set by the City Council from time to time. The following information shall be shown on the application:

- (a) Name and address of the applicant;
- (b) Location and legal description of the proposed RV park;
- (c) Plans and specifications of all buildings, improvements, facilities and spaces constructed or to be constructed within the RV park;
- (d) Proposed use of buildings and spaces shown on the site;
- (e) The location and size of all recreational vehicle spaces;
- (f) Location of all points of entry and exit for motor vehicles and internal circulation pattern;
- (g) The location of all screening and landscaping to be provided;
- (h) The location of all outdoor lighting to be provided;
- (i) Location of all walls and fences indicating height and materials of construction;
- (j) Location of sewage dump station(s) and garbage receptacles;
- (k) Preliminary approval of planned outdoor fireplace settings; and
- (l) Such other architectural and engineering data as may be required to permit the city to determine if the provisions of this subchapter are being complied with.

(4) Such permit may be issued prior to construction or completion thereof provided that a time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services and all required improvements and facilities shall be installed within one year. Use permit will be subject to all remedies provided by § 155.073.

(H) *Manufactured home subdivisions.* The following development standards shall apply for all new manufactured home subdivisions, which shall be approved as a development permitted on review.

(1) Minimum area of manufactured home subdivision. Manufactured home subdivisions shall comply with manufactured home subdivision standards. No subdivision shall be allowed to open on less than two acres. Exception: existing mobile home parks shall be subject to the regulations in place prior to the adoption of this chapter and shall fall under § 155.005.

(2) Only manufactured homes shall be permitted, except for additions and accessory structures which may be constructed on-site.

(3) Minimum lot size: 6,000 square feet, exclusive of public street rights-of-way and private street easements.

(4) Street standards.

(a) Public streets shall meet minimum standards of the subdivision ordinance or, in the case of private streets, standards established by the City Council in the approval process.

(b) Cul-de-sac roads shall have a maximum length of 300 feet and a minimum turnaround of 40-foot radius.

(c) Be accessible at all times to fire department, ambulance, police, sanitation and utility vehicles.

(5) Street lighting. The developer shall furnish and install street lights in accordance with city

requirements. On private streets, lights shall be operated and maintained by the developer.

(6) Fencing and screening: as required in § 155.045.

(7) Shade trees: the developer shall plant shade trees on the property. A minimum of one tree with a minimum trunk diameter of not less than one inch shall be planted on each manufactured home lot.

(8) Drainage and storm sewers, per Chapter 152.

(9) Water/sewer facilities, per Chapter 51.

(10) Utilities, per state and local requirements.

(11) Recreation areas. A park and recreation area shall be provided having a minimum of 150 square feet for each manufactured home site, consolidated into usable space.

(12) Storage sheds. Total square footage not to exceed 192 square feet, exclusive of attached or detached garages or carports.

(13) Lot width. Minimum 50 feet at the front building line. May be average of 50 feet if the lot abuts a street for a minimum of 30 feet.

(14) Perimeter setbacks.

(a) Twenty-five-foot perimeter setback from all public rights-of-way.

(b) Any perimeter yard abutting a residential district shall maintain a ten-foot setback.

(c) All perimeter setbacks shall be maintained and landscaped.

(15) Required setbacks from lot and property lines.

(a) Twenty-five feet from all road rights-of-way within the manufactured home subdivision.

(b) Rear yard. Twenty-five feet.

(c) Side yard. Ten feet.

(d) Accessory structures. Eight feet, side and rear

(16) As regulated in § 155.049.

(17) Storage space. The manufactured home subdivision shall provide a paved storage area for boats, campers, RVs and the like, for use only by tenants. The number of spaces within this area shall be equal to one space for every five manufactured homes sites. Each space shall be ten feet by 25 feet.

(18) Securing and skirting. All manufactured homes and accessory structures shall be securely anchored to the ground, at intervals approved by the Building Official. Manufactured homes, once in their permanent location upon the lot, shall be fully skirted within 45 days.

(19) Garages, carports and additions to manufactured homes.

(a) Building permits shall be required for all garages, carports and additions, which shall meet all setback requirements.

(b) No additions or structures erected shall have a height greater than the height of the manufactured home to which it is attached; and shall be supported by a foundation approved by the Building Official.

(20) Signs.

(a) The developer shall install, in accordance with standards of the city, all road and street name signs.

(b) Each manufactured home park shall be permitted to display, on each frontage, one identifying sign of maximum size of 25 square feet.

(21) A bond or other guarantee may be required by the City Council to assure completion of all requirements within this section.

(22) General provisions.

(a) Sidewalks from the paved driveway to the main entry of the manufactured home shall be a minimum of 36 inches in width.

(b) Each manufactured home shall have an address of three-inch high letters mounted on the side fronting the street.

(c) Each manufactured home space shall be clearly defined by permanent markers.

(d) Each manufactured home space shall be serviced by the public water and sewer system and shall be individually metered. Manufactured homes that cannot be connected to the public water and sewer system shall not be permitted.

(e) Manufactured homes shall not be used for commercial, industrial or other non-residential

uses, except home occupations as defined in § 155.053, and permitted as a use permitted on review per § 155.073.

(23) Subdivision application requirements. The application shall be accompanied by three copies of the plot plan drawn to scale, and prepared by a licensed engineer or architect. The following information shall be shown:

- (a) The name and address of the applicant;
  - (b) The location and legal description of the proposed manufactured home subdivision;
  - (c) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home subdivision;
  - (d) The proposed use of buildings shown on the site;
  - (e) The location and size of all manufactured home spaces;
  - (f) The location of all points of ingress and egress and internal traffic circulation pattern;
  - (g) A landscaping plan;
  - (h) The location of all lighting standards to be provided;
  - (i) The location of all walls and fences, the indication of their height, and the materials of their construction;
  - (j) Such other architectural and engineering data as may be required to permit the Zoning Administrator and the City Council to determine if the provisions of this chapter are being complied with; and
  - (k) An estimated timetable for project development.
- (Prior Code, § 27-A-05) (Ord. 1156, passed 10- -2015)

#### **§ 155.005 NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND.**

Any otherwise lawful use of land or structure existing at the time of adoption of these regulations may be continued, maintained and repaired, except as otherwise provided in this section.

(A) *Continuance of nonconforming uses.* The lawful operation of a nonconforming use as such use existed on the effective date of this chapter, or any amendment hereto, by which the use became a nonconforming use, may be continued; provided however, that the number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units in the nonconforming use on the effective date of this chapter.

(B) *Extension of nonconforming uses in structures.* A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinances, are made therein.

(C) *Changes in nonconforming uses.* Where a nonconforming use exists, it cannot change to another nonconforming use of different quality and characteristics unless the use is more compatible with the characteristics of the neighborhood in which it is located. Where a nonconforming use has changed to a more compatible use, it shall not be changed back to a less compatible use.

(D) *Termination of nonconforming uses.* A nonconforming use that has been abandoned or discontinued for a year shall not hereafter be re-established.

(E) *Open land nonconforming use.* A nonconforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out-of-doors and outside of a building or structure shall, after 24 months from the date of notification, become a prohibited and unlawful use and shall be discontinued.

(F) *Destruction, damage or obsolescence of structure.* The right to operate and maintain any nonconforming use shall terminate whenever the structure, or structures, in which the nonconforming use is operated and maintained, are damaged, destroyed or become obsolete or substandard beyond the limits hereinafter established for the termination of nonconforming structures.

(G) *Continuance of nonconforming structures.* Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in a state of good repair.

(H) *Enlargement or extension of nonconforming structures.* A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or

extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the nonconforming structure is located.

(I) *Restoration of damaged nonconforming structures.* A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than 60% of its replacement cost may be restored, provided restoration is completed within one year of the date of the damage.

(J) *Outdoor advertising signs and structures.* No outdoor advertising sign or outdoor advertising structure which, after the adoption of this chapter, exists as a nonconforming use in any district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulation of said district within a period of two years following official notification of the nonconforming use exists.

(K) *Nonconforming mobile home use.* Any nonconforming mobile home use in a residential district shall terminate when the mobile home is removed from the real property or a majority of the mobile home has been destroyed so it is no longer habitable.

(Prior Code, § 27-A-07) (Ord. 964, passed 2- -2000; Ord. 1047, passed 4- -2007)

## **DISTRICT REGULATIONS**

### **§ 155.020 RESIDENTIAL A DISTRICT (RA).**

(A) *General description.* This district is to provide for medium residential development density. The principal uses of land range from residences to uses which are functionally compatible with residential uses. Recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the governing body.

(B) *Permitted principal and accessory uses and structures.* Property and buildings in the Residential A (RA) area shall be used only for the following purposes:

(1) Single-family dwellings but not including manufactured homes;

(2) Two-family dwellings;

(3) Rooming and boarding houses;

(4) Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work;

(5) Transportation and utility easements, alleys and rights-of-way;

(6) (a) Accessory uses and buildings in accordance with § 155.046:

1. Provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business;

2. Any accessory building shall be located on the same lot, tract or parcel with the same Parcel Identification Number as with the principal building.

(b) Exception: a variance may be granted for an accessory structure to be placed or constructed prior to the construction of the principal structure whereupon the Board of Adjustment finds that:

1. The site plan submitted with the building permit application clearly indicates the planned accessory structure and the remaining buildable area for the future primary structure;

2. All other provisions of zoning ordinance for that district are met; and

3. Accessory structures with habitable space meet the requirements of the adopted or referenced electrical, plumbing and building codes.

(7) Signs, as regulated in § 155.051; and

(8) Temporary placement of tents, campers, RVs and travel trailers where the occupants are away from their place of legal residence for the purpose of vacationing or visiting for a length of time not to exceed three weeks in any 90-day period.

(C) *Uses permitted on review.* The following may be permitted on review by the governing body in accordance with provisions contained in § 155.073.

(1) Multiple-family dwellings and group homes or transitional housing.

(2) Churches or similar places of worship, and accessory structures thereto. Accessory structures shall not include missions or revival tents.

(3) Elementary or high schools, public or private.

(4) Public parks, playgrounds and playfields, greenways and neighborhood and municipal

buildings and uses in keeping with the character and requirements of the district.

(5) Libraries, museums and historical monuments or structures.

(6) Public utilities, substations and pumping stations, subject § 155.004(A)(3).

(7) Plant nurseries.

(8) Golf courses, or country clubs, with adjoining grounds of not less than 60 acres, but not including miniature courses and driving tees operated for commercial purposes.

(9) Fraternities, sororities and denominational student headquarters.

(10) Nursing homes or homes for the aged.

(11) Medical facilities, except veterinary hospitals or clinics, or other professional offices.

(12) Home occupations as regulated in § 155.053.

(13) Daycare facilities, as regulated in § 155.004(A)(4).

(14) Mobile home subdivisions as regulated in § 155.004(A)(8).

(15) Foster homes.

(16) Mortuaries and funeral homes.

(17) Boys and girls clubs, neighborhood/community recreational centers and heritage centers.

(18) Other uses similar in character to those enumerated above and which in the opinion of the governing body will not be injurious to the district.

(D) *Area regulations.* All buildings shall have proper setbacks from their respective property lines in compliance with the following regulations.

(1) *Front yard.*

(a) For single-family, two-family and multiple-family dwellings the minimum depth of the front yard shall be 25 feet and in no case shall an accessory building be located to extend into the front yard.

(b) Churches and other main and accessory buildings, other than dwellings, shall have a front setback of 35 feet.

(2) *Side yard.*

(a) For single story dwellings, located on interior lots, side yards shall be not less than ten feet in width. For dwellings of more than one story, there shall be side yards of not less than 12 feet.

(b) For unattached buildings of accessory, non-occupied use, there shall be a side yard of not less than eight feet.

(c) Unattached accessory buildings with habitable space shall not be located closer to any side lot line than ten feet and additional off-street parking shall be provided accordingly.

(3) *Rear yard.*

(a) For primary use structures and attached accessory use structures, there shall be a rear yard of not less than 25 feet.

(b) Unattached buildings of accessory, non-occupied use shall not be located closer to any rear lot line than five feet.

(c) Unattached accessory buildings with habitable space shall not be located closer to any rear lot line than ten feet and additional off-street parking shall be provided accordingly.

(d) The setback requirements provided in divisions (D)(3)(a) and (D)(3)(b) herein for rear yards shall not apply to any properties located in the Cold Springs Addition to the city in which the property abuts the flood control channel located in Cold Springs Addition.

(4) *Lot width.*

(a) For single-family dwellings, there shall be a minimum lot width of 50 feet at the front building line. May be average of 50 feet if the lot abuts a street for a minimum of 30 feet.

(b) For two-family dwellings, there shall be a minimum lot width of 75 feet at the front building line.

(c) For multiple-family dwellings there shall be a minimum lot width of 100 feet at the front building line.

(5) *Intensity of use.*

(a) For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than 6,000 square feet.

(b) For each two-family dwellings there shall be a lot area of not less than 9,000 square feet.

(c) For multiple-family structures, there shall be a lot area of not less than 6,000 square feet plus an additional 1,500 square feet for each dwelling unit. For those structures which provide off-street parking within the main structure, the lot area requirements may be reduced 200 square feet per dwelling unit.

(d) For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in § 155.049; provided, however, that the lot for a church shall not be less than 30,000 square feet.

(6) *Maximum lot coverage.* Main and accessory buildings shall cover not more than 30% of the lot area.

(E) *Usable open space.* For multiple-family structures there shall be usable open space provided for each dwelling unit of not less than 400 square feet. Open space does not include drives, parking and service areas.

(F) *Height regulation.* No main building shall exceed two and one-half stories or 35 feet in height, except as provided in § 155.047.

(G) *Off-street parking.* As regulated in § 155.049.

(H) *Landscape requirements.* As regulated in § 155.045.

(Prior Code, § 27-A-04-1) (Ord. 964, passed 2- -2000; Ord. 1035, passed 8- -2006; Ord. 1074, passed 5- -2009; Ord. 1109, passed 10- -2011)

## **SUPPLEMENTARY REGULATIONS**

The purpose of this subchapter is to provide good visual appeal to buildings and paved areas through the use of trees, shrubs and plants, to encourage areas of established native forest to be reserved within a project/development site and to properly protect preserved areas during construction, to buffer non-complimentary land use and to require timely replacement of landscape components lost after construction.

### **§ 155.045 LANDSCAPE REQUIREMENTS, AESTHETIC BARRIERS AND SCREENING REQUIREMENTS.**

(A) Whenever property in one zoning category abuts property of a more restrictive zoning category (Residential 'A' being the most restrictive) and the property in the less restrictive category is being developed, the Zoning Administrator may require, as a condition of the building permit, such barriers be constructed by the developer as are deemed necessary and appropriate for the protection of the more restrictive area. Such devices may include fences, hedges, traffic controls and patterns or any other device reasonably necessary to attain the goals sought.

(B) No lane, road, avenue, street or platted street or right-of-way shall be accessed through any privately owned property or by any subdivision or development except where that access has been reviewed by the Commission and accepted by the city as a deeded or platted access, and in no case shall any lane, road, avenue or street receive traffic flow greater than its intent and design.

(C) Landscaping, as required herein, shall be provided for all multi-family residential, civic, church, office, commercial and industrial construction within the jurisdiction of the city. Landscaping shall also be provided for any addition to an existing multi-family residential, civic, church, office, commercial or industrial use if the proposed addition or use increases the size or occupant load of the existing structure. Requirements are as follows:

(1) *Application.* Landscaping consisting of trees, shrubs, ground cover, flowers and screening as deemed applicable shall be required for any new construction or expansion of existing uses. Hereafter, all plans submitted in support of a building permit shall include a landscape plan and include screening where appropriate.

(2) *Information required.* All plans submitted for approval of a landscape plan shall have the following information included:

- (a) North point and scale;
- (b) The location, size and surface of materials of all structures and parking areas;
- (c) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
- (d) The location, size and type of all above ground and underground utilities and structures

within property notation, where appropriate, as to any safety hazards to avoid during landscape installation. Landscaping shall not interfere with above or below ground utilities or sewer systems. Landscaping shall be located to ensure long term growth;

(e) Complete and accurate botanical and common names of each plant material, the number and location of trees or plants to be placed, the size of planting and areas to receive seed or sod;

(f) Mature sizes of plant material shall be drawn to scale and called out on plan by common name of appropriate key;

(g) Location of hose connections and other water sources;

(h) Any proposed retaining walls, indicating location, size and material to be used in the construction of the wall; and

(i) The location, size and type of required screening methods required as follows:

1. All plans submitted in support of a building permit or use permit shall include a detailed drawing of applicable screening methods. Such drawings may be included as part of the landscape plan. Any buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen.

2. Commercial trash bin screening. All multi-family residential projects, mobile home parks, civic, church and all commercial, office and industrial project shall be included on the landscape plan with a detailed drawing of enclosure and screening methods to be used in connection with trash bin(s), storage yards, parking lots and equipment areas on the property. No trash bin shall be visible from the street, and a permanent masonry or frame enclosure shall be provided for each such bin.

3. Screening requirements shall be in compliance with division (C)(3) below.

(3) *Screening standards.* A screen shall consist of a screen wall, fence, earth berm or densely planted evergreen to effectively restrict the view to adjoining property to a height of not less than eight feet. Multi-story buildings must have in addition to a sight proof fence, a continuous row of deciduous canopy trees adjacent to residential land uses.

(4) *Existing screening.* No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property, which directly abuts a residentially zoned property, without first submitting and obtaining approval for a landscaping plan, which plan provides for replacement screening conforming to all provisions of this section.

(Prior Code, § 27-A-06-01)

### **§ 155.046 PERMITTED ACCESSORY STRUCTURES.**

(A) *Accessory uses.* The uses of land, buildings and other structures permitted in each of the districts established by this chapter are designated by listing the principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal use permitted in the district.

(B) *General provisions.*

(1) Each permitted accessory use shall:

(a) Be customarily incidental to the principal use established on the same lot;

(b) Be subordinate to and serve such principal use;

(c) Be subordinate in area, extent and purpose to such principal use; and

(d) Contribute to the comfort, convenience or necessity of users of such principal use.

(2) Accessory uses shall be permitted as specified above. Such accessory uses shall be applicable to the principal use, shall conform to applicable setback requirements, and shall include but not be limited to the following.

(a) *For dwellings.*

1. Shelter to house animal pets, but not exceeding two shelters per dwelling, the total square foot area not to exceed 32 square feet;

2. Children's playhouse and playground equipment;

3. Private greenhouse, vegetable, fruit or flower garden, from which no products are sold or offered for sale;

4. Private garage or carport;

5. Private swimming pool and bathhouse; and

6. Shed for the storage of maintenance or recreation equipment used on the premises, total square footage of storage not to exceed 192 square feet.

(b) *For church, chapel, temple or synagogue.*

1. Parish house or residence for the clergyman of the congregation;  
2. Religious education building; and  
3. Other accessory uses which in the opinion of the governing body will not be injurious to the district may be permitted as a use permitted on review.

(c) *For education institutions.*

1. Convent or lay teacher's quarters;  
2. Dormitories;  
3. Power or heating plants;  
4. Stadiums, gymnasiums, field houses, game courts or fields; and  
5. Other accessory uses which in the opinion of the governing body will not be injurious to the district may be permitted as a use permitted on review.

(d) *For golf and country clubs.*

1. Dwelling for caretaker;  
2. Maintenance equipment storage shed;  
3. Pro shop;  
4. Lounge and dining area; and  
5. Other accessory uses which in the opinion of the governing body will not be injurious to the district may be permitted as a use permitted on review.

(e) *For hospitals and health institutions.*

1. Staff quarters;  
2. Laundry, incidental to the principal use only;  
3. Medical and nursing instruction;  
4. Chapel; and  
5. Other accessory uses which in the opinion of the governing body will not be injurious to the district may be permitted as a use permitted on review.

(f) *For industrial uses in the industrial districts.*

1. Offices;  
2. Restaurants or cafeterias;  
3. First aid clinics or dispensaries;  
4. Watchmen's quarters;  
5. Research or pilot structures; and  
6. Other accessory uses which in the opinion of the governing body will not be injurious to the district may be permitted as a use permitted on review.

(Prior Code, § 27-A-06-02)

### **§ 155.048 YARD AND BUILDING SETBACK AND OPEN SPACE EXCEPTIONS.**

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in §§ 155.020 through 155.031.

(A) No yard, open space or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:

- (1) Awnings, arbors and canopies encroachment not to exceed six feet;
- (2) Bay windows and chimneys, not to exceed two feet;
- (3) Driveways, curbs and sidewalks;
- (4) Fences, walls and hedges, subject to the regulations as set forth in this section;
- (5) Flagpoles, light poles, mailboxes and similar miscellaneous placements;
- (6) Garbage disposal equipment, nonpermanent;
- (7) Landscape features, planting boxes;
- (8) Overhanging roof, eave, gutter, cornice or other architectural features, not to exceed three feet;
- (9) Parking space subject to the regulations set forth in § 155.049;
- (10) Signs, subject to the regulations set forth in § 155.051;
- (11) Covered steps, stoops, ramps, porches, decks, patios or terraces provided the total

footprint of such structure(s) is not greater than 60 square feet in area, is not enclosed, and does not encroach into the required yard (set back area) more than six feet; and

(12) Trees, shrubs, flowers and other plants subject to the vision requirements in this section.

(B) The following regulations provide for the maximum safety of persons using sidewalks and streets, and for the maximum enjoyment of the use of property.

(1) On any corner lot where a front and side yard is required, no wall, vehicle, fence, sign, structure or any plant growth which materially obstructs sight lines at elevations between two and one-half feet and ten feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the front and side lot lines and connecting the point so established to form a slight triangle on the area of the lot adjacent to the street intersections.

(2) In any required front yard, except as provided in division (B)(1) above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half feet.

(3) Sound and safety barriers in the form of shrubbery, landscaping, opaque fences or walls along lot lines adjoining the rights-of-way of major or minor arterial streets with controlled intersections may be approved as a use permitted on review in accordance with § 155.073. The fee for the use permit hearing shall be waived where a property owner is seeking a use permit for a sound and safety barrier which is in existence at the time that this chapter is enacted.

(C) The purpose here is to clarify certain conditions pertaining to the use of lots and access points.

(1) In residential districts, if 25% or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of a greater depth than 50 feet.

(2) In a residential district, if 50% or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback of less than 25 feet and no building line varies more than five feet from this average setback line, then a building may be erected observing the average setback so established.

(3) Lots having frontage on more than one street shall provide the required front yards along those streets.

(4) Division of a lot.

(a) No recorded lot shall be divided into two or more lots unless such division results in the creation of lots each of which conform to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this chapter shall be permitted. All subdivided property must be recorded on a new plat map according to procedure outlined in the subdivision ordinance (Chapter 154) of the city.

(b) No structure shall be constructed so as to be built on top of, or to extend over, platted property lines. Structures shall be required to comply with the set back requirements from property lines for the district in which they are located.

(c) No structure shall be constructed on any vacated street or alley without such vacated street or alley having been recorded on a new plat map and recorded in the County Register of Deeds office.

(d) Municipal utilities serving a property shall enter that property directly from the right-of-way or easement containing those municipal utilities, except where a legal utility easement has been provided for those utility services to cross separately platted properties.

(5) Dwellings on small lots: where there are existing recorded lots which do not meet the minimum lot area requirement and are under separate ownership. Single-family dwellings may be constructed as long as a side yard shall be not less than four feet and the sum of the side yards shall be not less than 12 feet and as long as all other requirements, except lot size, are met.

(6) Principal uses without building: where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtain any other license or

permit applicable to that particular use.

(7) Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured starting at a point 25 feet from the center line of the street easement.

(8) No dwelling shall be erected on a lot which does not abut on at least one street for at least 30 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main building if all other provisions of this chapter are complied with and the apartment dwelling complies with all applicable building codes.

(9) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street right-of-way line, except that on any corner lot where an existing primary structure does not meet the setback requirements of the district, a private garage may be constructed to conform to the lines of the main structure provided:

(a) The approval of the building permit substantially adheres to the purpose and intent of this chapter;

(b) The proposed structure is not closer than four feet to any interior lot line; and

(c) The proposed structure meets with all other requirements of the district.

(10) Accessory buildings shall not be located in any required front yard.

(Prior Code, § 27-A-06-04) (Ord. 964, passed 2- -2000; Ord. 1016, passed 3- -2005)

### **§ 155.049 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

(A) *Off-street parking requirements, general.* In all districts, except the General Commercial (GC) District, there shall be provided at any time any building or structure is erected or enlarged or increased in capacity, off-street parking space for automobiles in accordance with the following requirements.

(1) Off-street parking for other than residential use shall be either on the same lot or within 200 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare.

(a) In all districts except General Commercial (GC) shall establish joint parking facilities where possible, not to exceed 50% of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located no further than 400 feet from the facilities' entrances.

(b) In cases of shared off-street parking where operating hours do not overlap, the Zoning Administrator may grant an exception when the applicant can show no negative impact to the surrounding neighborhood.

(2) Residential off-street parking space shall consist of:

(a) A parking lot, driveway, garage or combination thereof and shall be located on the lot they are intended to serve; and

(b) Adequate provisions for the off-street parking of any RV, camper, trailer, boat or other seasonal recreation vehicle that are in the ownership or possession of the occupant(s) of the building, dwelling or property.

(3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

(4) Off-street parking existing on the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

(5) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.

(6) The required off-street parking shall be for occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited.

(7) Every company car, truck, tractor and trailer normally stored at the property shall be provided with an off-street parking space in an area reserved for the use as determined by the governing body.

(8) For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the Zoning Administrator.

(9) The minimum number of off-street parking spaces shall be determined in accordance with the following.

(a) Dwellings, one-family and two-family: two spaces per dwelling unit.

(b) Dwellings, multi-family: two and two-quarter spaces per dwelling unit except for senior citizens housing which shall provide one and one-half spaces per unit.

(c) Hotels, motels, rooming houses, bed and breakfast establishments: one space per guest room.

(d) Manufactured home subdivision: two spaces per manufactured home.

(e) Nursing homes, long-term care facilities: one space per four beds.

(f) Theaters, auditoriums, gymnasiums: one space per three seats; convention facilities: one space per 15 square feet of assembly area; multiple-screen theater: one space per five seats.

(g) Churches: one space per four seats.

(h) Funeral homes: one space per four seats.

(i) Schools, elementary: two spaces per classroom.

(j) Schools, other than elementary: ten spaces per classroom.

(k) Restaurants, on-sale liquor establishments: one space per 100 square feet of gross floor area.

(l) Private and public utility substations, commercial storage units. No parking requirements except that all areas of ingress/egress and loading/unloading/storage shall be hard surfaced.

(m) Health clinics: single practitioner clinics one space per 300 square feet of gross floor area; multiple practitioner clinics one space per 200 square feet of gross floor area.

(n) Industrial and manufacturing establishments: one space per 400 square feet of gross floor area.

(o) Warehouses shall provide one parking space per 1,000 square feet of gross floor area plus one parking space per employee.

(p) Group care homes/assisted living and congregate care facilities: one space for each three residents, one handicapped space, and one space for each employee on the most fully staffed shift.

(q) Office buildings for general business, commercial and personal service establishments: one space per 200 square feet of gross retail floor area.

(r) Buildings for retail trade: one space per 300 square feet of gross retail space.

(s) Drive-up windows: driveways for drive-up service windows shall be of sufficient length to accommodate the stacking of three vehicles.

(t) Sports and recreation facilities:

1. Golf course: six spaces per hole;

2. Baseball/softball/soccer: 36 spaces per field;

3. Tennis court: four spaces per court;

4. Swimming pool/water park: as per a parking plan approved by the City Council; and

5. Bowling alley: four spaces per lane.

(u) Fire/ambulance facilities: fire, four spaces per bay; ambulance, three spaces per bay.

(v) New and used vehicle and equipment sales: all areas used for parking, staging, storage and display shall be paved.

(w) Manufactured home sales: based on standard requirements for permanent structures and sales offices.

(B) *Off-street parking (driveways and parking lots) construction.* For all new construction, driveways or entrances devoted to or utilized for the vehicular path of ingress or egress to a place, and all areas devoted to or utilized for the parking or display of vehicles or equipment, and areas regularly utilized by employees, customers, patrons or members for parking or for accessing parking areas, shall be constructed and maintained in accordance with the following regulations.

(1) All areas devoted to permanent off-street parking as required under this section shall be constructed of a hard surface material such as asphalt or concrete and maintained in such a manner that no dust will result from continuous use. A paving plan shall be submitted to the

Building Official which shall include:

- (a) A clear and concise site plan of the property including all existing buildings;
  - (b) The site plan shall include the names of the owners and their contact information, name of the business, address and legal description of the property;
  - (c) All areas of vehicular ingress/egress, travel paths and parking areas, with dimensioning;
  - (d) Proposed drainage areas and storm water control devices;
  - (e) Proposed areas to be paved to comply with paving requirements shown in construction details and landscaped areas for storm water control and climate enhancement;
  - (f) Any proposed lighting in plan showing light fixture locations and details regarding the proposed light fixtures (make, model, light source and the like); and
  - (g) The minimum paving area requirements shall include:
    1. The primary ingress/egress route(s). If there are two entrances to the building from one street or highway, both shall be required to be paved;
    2. The primary driving path(s) to the required parking area;
    3. The areas devoted to parking as denoted in this section;
    4. Driveways shall have as minimum: four inches highly compacted base course with two inches Class G asphalt mat;
    5. Parking areas shall have as minimum: four inches highly compacted base course with two inches Class G asphalt mat; and
    6. Handicap parking spaces shall meet latest revisions of the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq. and Architectural Barriers Act Accessibility Guidelines, being 42 U.S.C. §§ 4151 et seq.
- (2) Except for parcels of land devoted to one- and two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- (3) Each non-residential parking space shall be not less than 200 square feet in area and shall be a clearly designated stall adequate for one motor vehicle, but shall be sufficient for the type of motor vehicles it is intended to serve.
- (4) In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.
- (5) The parking lot shall be designed to eliminate surface water and shall comply with the requirements of the city's erosion and sediment control ordinance, Chapter 152.
- (6) New and used car lots, and lots used for the display of farm, industrial or commercial equipment for sale or rent, shall be constructed of a hard surface material such as asphalt or concrete and maintained in such a manner that no dust will result from continuous use.
- (7) A minimum five-foot wide landscape buffer strip is required between public sidewalks and off-street parking stalls, parking lots and parking lot access driveways that run parallel to a public sidewalk. The purpose of the buffer is to provide separation between vehicles and pedestrians; to allow the opportunity for vegetation including street trees to be incorporated into our community to provide shade, storm water uptake and aesthetic improvements; and to increase community pride. A waiver of this requirement will be considered if the proposed development is within the downtown area where the sidewalk is directly adjacent to the curbs.
- (a) The landscape buffer shall be designed so that there is a mix of live plant material and rock, gravel and the like, with not more than ten feet in any direction without plant cover or tree canopy. The buffer shall be visually distinct from the adjacent sidewalk and discourage vehicles from driving over the sidewalk.
  - (b) Areas within the public right-of-way may be included in the five-foot dimension.
  - (c) This requirement does not apply to the following:
    1. A standard residential driveway that provides access to a garage, carport or uncovered parking space located on private property;
    2. A driveway needed to cross the buffer strip to provide access from the street to parking stalls; or
    3. Parking that is located within the public right-of-way boulevard, where approved.

(8) For existing uses, excluding one- and two-family residences and new businesses within the GC Zone, that are undergoing a modification, change or alteration to the existing structure, and who do not have a hard surface driveway or paved off-street parking area, a plan shall be provided that shows areas of pavement not to exceed 10% of the cost of the proposed improvements that will move the property into compliance with these regulations. (See also § 155.045(C), landscape requirements.)

(Prior Code, § 27-A-06-05) (Ord. 1163, passed 3-7- 2016)

#### **§ 155.050 STORAGE AND PARKING OF VEHICLES, TRAILERS AND EQUIPMENT.**

Commercial vehicles shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions.

(A) Not more than two commercial vehicles per family living on the premises which do not exceed one and one-half tons rated capacity (per vehicle), shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquified petroleum products be permitted.

(B) Vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored between the back of curb and the adjacent property line along any substantially improved street.

(C) In any required front or side yard, with the exception of temporary parking in a garage or carport driveway, it shall be prohibited to park or store, or to provide for the parking or storing, of any:

- (1) Motorized or wheeled vehicle or equipment;
- (2) Partially dismantled, non-operating or unlicensed vehicle;
- (3) Air, land or water recreational equipment; or
- (4) Any other discarded items or materials.

(Prior Code, § 27-A-06-06)

#### **§ 155.053 CUSTOMARY HOME OCCUPATIONS.**

(A) This section defines customary home occupations and prescribes the conditions under which such occupation shall be permitted.

(1) *Purpose.* The purpose of this section is to:

- (a) Protect residential areas from the adverse impact of excessive traffic, nuisance, noise and other possible effects of commercial activities within residential neighborhoods; and
- (b) Provide residents the option to use their residences for certain home occupations without altering the residential character of the neighborhood.

(2) *Customary home occupations.*

(a) A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

(b) Public access to the home occupation shall be by invitation or appointment only and shall not account for any appreciable increase in vehicle and/or pedestrian traffic.

(c) Delivery of products to the home for business purposes shall not occur more frequently than twice a week. Delivery by trucks or vehicles not ordinarily utilized for residential deliveries shall be prohibited.

(d) Limited retail sales shall be directly associated with, and subordinate to, the permitted home occupation.

(e) No exterior display or signage shall be allowed. Advertising associated with the home occupation shall not include the physical address.

(f) Applicants shall provide a copy of their sales tax license to the city.

(g) The following occupations, subject to the requirements of the division (A)(2) above are customary home occupations:

1. Artist, sculptor, author;
2. Barbershop and beauty shop operated by only two members of the residence;

3. Dressmaker, milliner, seamstress, tailor, interior decorator;
4. Professional office of a physician, massage therapist, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same provided that not more than one paid assistant shall be employed; that adequate approved off-street parking be made available;
5. Teaching, including tutoring, musical instruction or dancing;
6. Not more than 25% of the floor area in the structure can be used for customary home occupation; and
7. Any other similar use which the governing body deems to be a home occupation, to include bed and breakfast operations as defined in § 155.002;

(B) Exemptions:

(1) Activities conducted entirely within the residence, such as internet transactions or stock market transactions from a home office, which does not account for any vehicle or pedestrian traffic pertaining to that activity, and where there is no outward display of that activity, shall be exempt from the requirements of § 155.073; and

(2) Garage sales, yard sales, rummage sales. Garage, yard and rummage sales shall be exempt from the permit process provided they meet the following standards.

(a) Sales shall last no longer than three days.

(b) Sales shall be held no more than six times per year.

(c) Sales are conducted on the owner's property or one of the owner's properties in case of a multiparty sale.

(Prior Code, § 27-A-06-09)

### **§ 155.056 LIGHTING, OUTSIDE.**

Lighting of all types shall be directed so as to reflect from all residential districts, and shall be so situated so as not to reflect directly onto any public rights-of-way.

(Prior Code, § 27-A-06-12)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 155.070 ORGANIZATION.**

(A) *Administration and enforcement.*

(1) *Administrative official.* An administrative official, hereafter known as the Zoning Administrator, designated by the City Council shall administer and enforce this chapter. He or she may be provided with the assistance of such other person as the City Council may deem necessary for the successful enforcement of this chapter. Should the Zoning Administrator find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the party or parties responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct the violation. He or she shall order discontinuance of illegal use of land; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(2) *Building permits required.* No building or other structure shall be erected, constructed, enlarged, altered, repaired, improved, moved or demolished without a permit having been issued by the Building Official, except those projects specifically exempted by ordinance. No building permit shall be issued except in conformity with the provisions of this chapter, unless he or she receives a written order from the Board of Adjustment in the form of an administrative review, special exception or variance as provided by this chapter.

(3) *Application for building permit.*

(a) All applications for building permits shall be accompanied by two sets of plans showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. A third complete set of construction plans shall be submitted for new construction.

(b) The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

(c) One copy of the plans, bearing the building permit number, the review date and stamped as "reviewed," shall be returned to the applicant by the Building Official and one copy of the plans, similarly marked, shall be provided to the subcontractor responsible for the construction of the foundation, where applicable, and one copy shall be kept on file in the office of the Building Official for a period of three years from the date of the issuance of the building permit, commercial documents shall be kept for a period of five years.

(4) *Expiration of building permit.* If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the persons affected, if the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. Uncompleted projects that have not obtained a new building permit shall be deemed a dangerous building and shall be ordered to be removed or demolished to the point where they are not a public nuisance, public danger or considered a blight on the neighborhood by the governing body.

(5) *Construction and use to be as provided in applications, plans and permits.* Building permits issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and on other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

(B) *Board of Adjustment.*

(1) The governing body, except as otherwise provided in SDCL § 11-4-13, shall provide for the appointment of a Board of Adjustment, hereinafter referred to as the "Board." The Board shall consist of five members, each residents of the City of Hot Springs, who are not members of any governing body. The members and alternates shall be appointed by the Mayor and approved by the City Council. Each member is appointed for a term of three years and removable for cause by the governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term only.

(2) The Board shall elect a Chairperson from its membership, shall appoint a Secretary, and shall prescribe rules for the conduct of its affairs. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine at a fixed time and place. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required. In the case of all appeals, the Board shall call upon the governing body for all information pertinent to, and their recommendations.

(C) *Powers of the Board of Adjustment.* The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses, and in the furtherance of their duties shall have the following powers.

(1) The Board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant to this chapter.

(2) To hear and decide special exception to the terms of the ordinance upon which such Board is required to pass under such ordinance.

(3) To authorize upon appeal in specific areas such variance from terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

(D) *Appeal procedures to the Board.*

(1) The Board of Adjustment shall adopt rules in accordance with the provisions of any

ordinance adopted pursuant to this chapter.

(2) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer in the enforcement of this chapter or of any ordinance adopted pursuant to this chapter.

(3) Such appeal shall be taken within a reasonable time, as provided from whom the appeal is taken and with the Board, the notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(4) An appeal to the Board stays all proceedings in the action appealed from, unless the officer from whom the appeal is taken shall file a certificate that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

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

(6) In exercising the powers mentioned, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(7) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(E) *City Council.* In lieu of appointing a Board of Adjustment, the City Council of this city may act as and perform all the duties and exercise the powers of such Board of Adjustment as provided in SDCL § 11-4-24.

(F) *Governing body.* The governing body shall:

(1) Establish such rules of procedure as are necessary to the performance of its function hereunder;

(2) Review and decide all applications for uses permitted on review in accordance with § 155.073; and

(3) Study and report on all proposed amendments to this chapter.

(Prior Code, § 27-A-08-01)

### **§ 155.071 VARIANCES.**

The purpose of the variance is to modify the strict application of the specific requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land; the variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the zoning ordinance intended.

(A) *Application procedure.*

(1) A property owner may make application for a variance using forms available from the Zoning Administrator. Fees, as set forth in § 155.075, shall accompany the application.

(2) The applicant shall, by certified mail, notify all property owners within 200 feet of the subject property, exclusive of rights-of-way, as to the nature of the variance request and the time and date and location at which the request will be considered. A list of those property owners and their mailing addresses shall be provided to the City Finance Officer prior to the public hearing on the matter.

(3) Upon application for a variance, the applicant shall place a sign, provided by the city, on the property in clear view of the street identifying that the property is being considered for a zoning variance. The sign shall be placed on the structure or post not less than ten days prior to the public

hearing on the matter and shall remain until a decision on the request has been made.

(4) Upon receipt of the application, legal notice shall be published in the city's official newspaper of the date, time and place of the public hearing at least ten days prior to the hearing.

(5) The Board shall issue its decision within 30 days of the hearing, except that the applicant may request a continuance.

(B) *Standards for variances.*

(1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the finding of the Board, do not apply generally in the district.

(2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(3) For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicants of any reasonable use of their land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

(4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

(5) The granting of any variance is in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare or in conflict with the comprehensive plan for development.

(C) *Requirements for the granting of a variance.* Before the Board shall have the authority to grant a variance, the persons claiming the variance have the burden of showing:

(1) The granting of the permit will not be contrary to the public interest;

(2) The literal enforcement of this chapter will result in unnecessary hardship;

(3) That by granting the permit contrary to the provisions of this chapter, the spirit of this chapter will be observed;

(4) By granting the permit, substantial justice will be done.

(D) *Denial of variance.* In the event the request for a variance is denied by the Board, reapplication shall not be permitted for a period of one year, unless the Zoning Administrator determines that the circumstances surrounding the request have substantially changed.

(E) *Court review.* Any person, firm or corporation aggrieved by any decision of the Board may appeal the decision to the Circuit Court. Appeals must be made within 30 days of the decision of the Board. See § 155.076.

(F) *Costs.* Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(Prior Code, § 27-A-08-02)

### **§ 155.072 CERTIFICATE OF OCCUPANCY.**

No new building shall be occupied and no change in occupancy or use of a building or part of a building shall be made unless the Building Official has issued a certificate of occupancy therefor as regulated by the International Building Codes as adopted by the city.

(Prior Code, § 27-A-08-03)

### **§ 155.073 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW.**

The following procedure is established to integrate properly the uses permitted on review with other land uses located in the district; these uses shall be reviewed by the governing body and authorized or rejected under the following procedure.

(A) *Application procedure.*

(1) A property owner may make application to the City Council for a use permitted on review using forms available from the Zoning Administrator. Fees, as set forth in § 155.075, shall accompany the application.

(2) The applicant shall, by certified mail, notify all property owners within 200 feet of the subject property, exclusive of rights-of-way, as to the nature of the use permit request and the time and date and location at which the request will be considered. A list of those property owners and their mailing addresses shall be provided to the City Finance Officer prior to the hearing.

(3) Upon application for a use permit, the applicant shall place a sign, provided by the city, on the property in clear view of the street identifying that the property is being considered for a use permit variance. The sign shall be placed on the structure or post not less than ten days prior to the public hearing on the matter and shall remain until a decision on the request has been made.

(4) Legal notice shall be published in the city's official newspaper of the date, time and place of the public hearing at least ten days prior to the hearing.

(5) The City Council shall issue its decision within 30 days of the hearing, except that the applicant may request a continuance not to exceed 60 days.

(B) *Requirements for submission.*

(1) An applicant shall submit the documents necessary to convey to the City Council the entirety of the proposed use, including:

(a) The location and legal description of the property;

(b) Position, size and use of all structures, improvements and facilities to be constructed or reconstructed including new use floor layouts;

(c) If applicable, landscape, lighting and drainage plan;

(d) Parking, off-street parking plan;

(2) In consideration of a request for a use permitted on review, the Council may take into account factors including, but not limited to:

(a) Conformance with the goals and policies of the comprehensive plan;

(b) Compatibility with existing and potential permitted uses in proximity to the proposed use;

(c) Public safety issues relating to projected traffic generated by the proposed use;

(d) Community benefit of the proposed use;

(e) Aesthetic considerations related to the scope and size of the proposed use; and

(f) Adequacy of public services for the proposed use.

(3) The City Council shall issue its decision within 30 days; except that the applicant may request a continuance not to exceed 60 days.

(4) The City Council may impose such conditions regarding the location, character or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this chapter. An approved use permit shall be implemented within six months from the date of approval unless otherwise expressly requested by the applicant and approved by Council. Any use permit not implemented within that specified time period will be deemed a discontinued use and the use permit shall be void.

(a) Any approved use permitted by a use permit that has been suspended or discontinued for 12 continuous months shall be deemed a discontinued use and the use permit shall be void.

(b) Additional landscaping, screening, facade improvements, architectural light and similar improvements may be required by the Council to ensure the special use blends into the zone and does not cause any blight, or negative impacts on neighbors.

(5) Denial of request. In the event the request for a use on review is denied by the City Council, reapplication shall not be permitted for a period of one year, unless the Zoning Administrator determines that there has been a substantial change in circumstance surrounding the request.

(6) Failure to comply with any of the requirements of the use on review approval is cause for action by the Council to suspend or rescind the approval and legal action may be taken as stated in § 10.99.

(Prior Code, § 27-A-08-04) (Ord. 1172, passed 12-19-2016)

## CHAPTER 154: SUBDIVISIONS

### Section

- 154.01 Authority and jurisdiction
- 154.02 Definitions
- 154.03 Outline of procedure
- 154.04 Design standards
- 154.05 Required improvements
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- 154.99 Penalty

### § 154.01 AUTHORITY AND JURISDICTION.

(A) *Authority.* Pursuant to the authority granted by SDCL Chapters 11-4 and 11-6, as amended, the following regulations are hereby adopted by the City Council.

(B) *Purpose.* These regulations are adopted to provide for the harmonious development of the city and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety and convenience through the provision for an adequate scale of streets, or roads, sanitary, water, utility and other improvements as land is subdivided.

(C) *Jurisdiction.* These regulations shall govern all subdivisions of land within the jurisdiction of the city. Subdivisions governed are hereinafter defined under § 154.02.

(Prior Code, § 28-01)

### § 154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A minor public way having a narrow right-of-way and affording a secondary means of access to abutting properties.

**AUDITOR.** The Finance Officer of Hot Springs, South Dakota.

**BOND.** Security consisting of a cash deposit, surety bond, personal guarantee, collateral, property or instrument of credit in an amount and form satisfactory to and approved by the City Council whenever a bond is required by these regulations.

**CERTIFICATE OF OCCUPANCY.** The instrument issued by the Building Inspector when a building has been inspected and found to meet adopted codes and ordinances relating to construction. Such certificate authorizes occupancy of said building.

**COMPREHENSIVE/DEVELOPMENT PLAN.** Any legally adopted part or element of the comprehensive/development plan of the city. This may include, but is not limited to, zoning ordinance, subdivision ordinance, community facilities plan, major street plan, improvements program and land use plan.

**CUL-DE-SAC.** A local street with only one outlet and having an appropriate turn-a-round at its terminus for the safe and convenient reversal of traffic.

**EASEMENT.** A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

**ENGINEER.**

- (1) The duly designated engineer acting in behalf of the governing body.
- (2) The Public Works Engineer.

**FINAL PLAT.** A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Register of Deeds of the county.

**GOVERNING BODY.** The duly elected officials of a corporate political entity to whom authority is given to make, adopt and amend subdivision regulations.

**HEALTH DEPARTMENT.** South Dakota Department of Environment and Natural Resources. (SD-DENR)

**LANES.** Residential streets servicing low-density residential districts that typically receive localized low-traffic patterns.

**LOT.** A platted parcel of land intended to transfer ownership or for building development.

**LOW DENSITY.** Subdivisions having an average density of one and one-half lots per acre or less.

**MAJOR STREET PLAN.** The major street plan adopted as an element of the comprehensive/development plan.

**MAJOR SUBDIVISION.** All subdivisions of four or more lots.

**MASTER DRAINAGE AND FLOOD CONTROL PLAN.** The City of Hot Springs' Erosion and Sediment Control Ordinance.

**MINOR SUBDIVISION.** Any subdivision containing no more than three lots.

**MOUNTAIN SUBDIVISION.** All subdivisions located within the limits of the Black Hills Fire District of South Dakota and also any subdivision where contours for any given cross section of the subdivision indicate an average cross slope greater than 15%.

**OWNER'S ENGINEER.** The registered Land Surveyor or the Civil Engineer registered and in good standing with the State Board of Professions who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

**PLANNING AND ZONING COMMISSION.** The City of Hot Springs Planning and Zoning Commission, also herein referred to as **COMMISSION** or **THE COMMISSION** or **THE PLANNING COMMISSION**.

**PRELIMINARY PLAT.** The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this chapter, to permit the evaluation of the proposal prior to detailed engineering and design.

**REGISTER OF DEEDS.** The duly designated Register of Deeds of Fall River County, South Dakota.

**SKETCH PLAN.** The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this chapter, to evaluate feasibility and design characteristics at an early stage in the planning.

**SPECIFICATIONS.** The specifications which have been adopted by the governing body.

**STREET.** A tract of land, dedicated to public use, which affords the primary means of access to the abutting property, but excluding the private driveways serving only one parcel of land.

**STREET, COLLECTOR.** A road intended to move traffic from residential streets to minor arterial streets.

**STREET, MAJOR ARTERIAL.** A road of considerable continuity, which is primarily a through-traffic artery for interconnection among large areas.

**STREET, MINOR ARTERIAL.** A road supplementary to the major streets and primarily a means of interconnection between minor traffic-generating areas. These streets carry traffic from collector streets to the major arterial streets.

**STREET, RESIDENTIAL.** A lane, a minor, major or low-density residential street intended to provide access to other streets or roads.

**SUBDIVIDER.** The person(s), firm(s) or corporation(s), owning land in the process of creating a subdivision of said land.

**SUBDIVISION.** Any division of any parcel or parcels of land for the purpose of transfer of ownership, which creates two or more smaller parcels of land (hereinafter referred to as lots).

(1) The use of the term **SUBDIVISION** includes:

- (a) The dedication of a road, highway, street or alley, within the subdivided land;
- (b) A re-subdivision of a previously subdivided parcel of land (a lot);
- (c) Any building development project involving subdivided land; and
- (d) The establishment of a deeded private driveway.

(2) When appropriate, the term **SUBDIVISION** shall relate to:

- (a) The process of subdividing; and
- (b) A parcel of land which is being or has been subdivided.

**UTILITIES.** Municipal and franchised utilities.

**VICINITY MAP.** A map indicating the location of the whole planned subdivision in relation to the

City of Hot Springs or other immediately recognizable and distinguishable subdivision or landmark.  
**ZONING ADMINISTRATOR.** The official designated by the City Council to administer the city's zoning regulations.

**ZONING ORDINANCE.** The zoning ordinance of the City of Hot Springs, South Dakota.  
(Prior Code, § 28-02)

### **§ 154.03 OUTLINE OF PROCEDURE.**

(A) *General.* The applicant or a designated agent shall attend each meeting where action is requested. If represented by an agent, such designation shall be in writing and filed with the application.

(B) *Vicinity map, street names.*

(1) A vicinity map shall accompany or be shown on the preliminary plan or sketch plan at a legible scale showing all existing subdivision streets, tract lines or acreage parcels adjoining the proposed subdivision. It shall show how streets in the proposed subdivision connect with existing and proposed streets in adjoining subdivisions and future street openings to undeveloped property, to produce the most advantageous development of the adjoining area.

(2) The subdivider shall submit proposed street names for E-911 approval with the preliminary plat or sketch plan.

(a) *Minor subdivision.* A sketch plan may be submitted as a preliminary plat for a minor subdivision. If the property proposed for development involves areas where it would be desirable to impose additional requirements, the administrative official may require some or all the data contained in the requirements for preliminary plat for major subdivisions.

(b) *Major subdivision.* The plat submitted shall be of such scale that all survey, mathematical information and all other details are clearly and legibly shown. Each lot and block shall be lettered or numbered. The area in square feet and dimensions of all boundaries of each lot shall be shown. The plat shall also show:

1. Proposed legal description;
  2. The proposed name of the subdivision;
  3. North arrow, scale;
  4. The boundary line (accurate in scale) of the tract to be subdivided;
  5. If deemed appropriate by the Commission, a topographic map with minimum five-foot contours shall be provided;
  6. Drainage plan and, if applicable, a FEMA floodplain map overlay;
  7. The names of adjacent property owners and lot descriptions;
  8. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract;
  9. All parcels of land intended to be dedicated for public use or reserved in the deeds for use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any;
  10. The layout, names (if previously approved), and widths of existing and proposed streets and easements; and
  11. When required by the Commission, the preliminary plat shall be accompanied by:
    - a. The profile of each street with tentative grades for a reasonable distance beyond the limits of the subdivision; and
    - b. The cross section of proposed streets showing the width of roadways, locations and width of sidewalks. All elevations shall be based upon mean sea level datum.
- (c) Where a replat of an existing plat is being submitted for consideration, the location of the existing plat shall be indicated by insertion of broken lines and a statement, where appropriate, vacating the former plat.

(3) Floodplain revisions. At the time of preliminary plat submittal, the applicant shall provide a copy of the letter of map change request as submitted to the Flood Emergency Management Agency (FEMA). If there is no floodplain on the subject property, this requirement may be waived if not applicable. The city may refuse to accept a preliminary plat without this letter and may also refuse to accept a preliminary plat where a floodplain may exist and the Floodplain Administrator has made a written determination that a letter of map revision is required.

(C) *Administrative procedures.*

(1) In addition to the requirements established herein, all new plats, re-plats, subdivision plats and the vacating of any improved street, alley or right-of-way shall be reviewed by the City Planning and Zoning Commission to ensure compliance with the city's Comprehensive Plan.

(2) Governing body approval of plats:

(a) *Minor subdivision.*

1. Application shall be made in the form of a letter of intent outlining the nature and purpose of the subdivision. Such application and required documentation shall be presented to the Zoning Administrator no less than 15 days prior to the next scheduled meeting of the Commission;
2. For all properties where changes in the floodplain are proposed, written verification from FEMA that the letter of map revision has been approved;
3. Sketch plan approval by the Zoning Administrator;
4. Commission review of proposed subdivision with recommendations to Council within 30 days of review;
5. Applicant shall submit a final plat and submit Mylar, one full-size copy (to scale) and one 11 by 17 copy, to the Zoning Administrator for Council review;
6. Approval or disapproval by the City Council within 30 days of review; and
7. Recording.

(b) *Major subdivision.*

1. Application shall be made in the form of a letter of intent outlining the nature and purpose of the subdivision. Such application and required documentation shall be presented to the Zoning Administrator no less than 15 days prior to the next scheduled meeting of the Commission;
2. For all properties where changes in the floodplain are proposed, written verification from FEMA that the letter of map revision has been approved;
3. Sketch plan approval by the Zoning Administrator;
4. Commission's preliminary review of proposed subdivision. Establish development requirements;
5. When required by the Commission, submit copies of the plat for distribution and review of applicable utility companies and city, county, state and federal agencies. Such agencies shall have 30 days to respond;
6. Commission's final review. Recommendation to the City Council within 30 days of final review;
7. Applicant shall submit a final plat and submit Mylar, one full-size copy (to scale) and one 11 by 17 copy, to the Zoning Administrator for Council review;
8. Approval or disapproval by the City Council within 30 days of review; and
9. Recording.

(D) *Infrastructure completion prior to recording of final plat.*

(1) No final plat of a major subdivision may be recorded before the installation and city approval of all public improvements including, but not limited to: paved streets, curb, gutter, sidewalk, water lines, sewer lines (including sanitary district lines) and drainage improvements. The City Council may grant a special exception to allow a delay in the laying of asphalt during times of the year when asphalt is not available per the following conditions:

- (a) A letter of credit, bond or other guarantee for asphalt paving is provided and names the city as the beneficiary.
- (b) All building permits issued will contain a clause stating that no structure may be occupied before street paving is complete and accepted by the city.
- (c) Where no street improvements exist but a final plat is recorded, these provisions shall not prohibit the city from issuing a building permit provided that the permit is issued with notice to the contractor/owner that no garbage collection or plowing of the street can take place until final street improvements are installed.

(2) The Commission may also require additional bonding where necessary to ensure the completion of infrastructure, drainage or landscaping requirements.

(E) *Final plats.* The final plat shall be submitted in the form of one Mylar, one full-size copy (to scale), one 11 by 17 copy. The final plat shall be drawn to scale of not more than one inch equals

100 feet and shall show:

- (1) Name and legal description of subdivision;
- (2) Name and address of the owner;
- (3) North arrow, scale;
- (4) The boundary lines with accurate distances and bearings, the exact location and widths of all existing or recorded streets and ways intersecting the boundary of the tract;
- (5) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings;
- (6) An accurate vicinity map of the subdivision in reference to the real estate records of the county including names of adjacent recorded owners of property;
- (7) Streets and alleys together with approved names;
- (8) The length of all arcs, radii, internal angles and points of curvature;
- (9) All existing and proposed easements and rights-of-way provided for public services, utilities or access and any limitations of the easements;
- (10) All block indications, lot numbers and lot lines with accurate dimensions in feet and hundredths, and bearings or angles in degrees, minutes and seconds;
- (11) The accurate location, material and approximate size of all monuments;
- (12) The designation of easements and rights-of-way and all property which is offered for dedication for the public use, with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision; and
- (13) Monuments shall be located and/or set at each angle and curve point on the outside boundary lines of the plat, at all block corners and at all intermediate points on the block lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set or found.

(Prior Code, § 28-03)

#### **§ 154.04 DESIGN STANDARDS.**

(A) *Conformity to Comprehensive Development Plan.* Designs shall conform to the City Comprehensive Development Plan. The following requirements of design and development are to be considered as minimum standards.

(B) *Duties of subdivider.*

- (1) Provide typical sections and profiles of the proposed streets showing widths and grades of roadways, types of surfacing, curb locations and width and location of sidewalks;
- (2) Provide preliminary layout plan and profiles of proposed sanitary and storm sewers, with tentative grades, pipe sizes and the location of appurtenances;
- (3) Provide preliminary layout plan and profiles of the proposed water distribution system showing tentative pipe sizes and location of appurtenances; and
- (4) Provide lighting plan.

(C) *Relation to adjoining street system.*

(1) A subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in the regulations of this chapter.

(2) Where the plat submitted covers only a part of the subdivider's tract, drawing of the prospective future street system of the entire tract shall be furnished and the street system of the part submitted shall be considered in light of conformity to the street system of the entire tract.

(3) Where a tract is subdivided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit a later subdivision in conformity to the street requirements and other requirements contained in this chapter.

(4) No lane, road, avenue, street or platted street or right-of-way shall be accessed through any privately owned property or by any subdivision or development except where that access has been reviewed by the Planning Commission and accepted by the city as a deeded or platted access, and in no case shall any lane, road, avenue or street receive traffic flow greater than its intent and design.

<b>Residential Streets Table</b>				
	<b>Lane</b>	<b>Minor Residential</b>	<b>Major Residential*</b>	<b>Low Density Residential</b>
Volume (ADT)	100	Up to 300	Up to 1,000	
Design speed	15 mph	20 mph	25 mph	30 mph
ROW width	30'	50'	60'	60'
Traveled width	20'	29'	38'	24', 2-ft. paved shoulders
Parking	No	One side	Both sides	No
Curb/gutter (see § 154.05(C))	No	Yes	Yes	No
Sidewalk (5')	No	One side	Both sides	No
*Minimum standard for districts with average density greater than five lots per acre.				

<b>Arterial Streets Table</b>			
	<b>Residential Collector</b>	<b>Major Arterial</b>	<b>Minor Arterial</b>
Volume (ADT)	Up to 3,000	Up to 5,000	Up to 3,000
Design speed	25 mph	35 mph+	35 mph
ROW width	60'	70'	60'
Traveled width	40'	48'	36'
Parking	Optional*	No	No
Curb/gutter (see § 154.05(C))	Yes	Yes	Yes
Sidewalk (5')	Both sides	Both sides	Both sides
*12' moving lanes	*Parking may or may not be allowed, on a case-by-case basis, upon recommendation by the Street Superintendent and Chief of Police.		

<b>Industrial Roads Table</b>	
Design speed	30 mph
ROW width	60'
Traveled width	36', 2-ft. paved shoulders
Parking	No
Curb/gutter (see § 154.05(C))	No
Sidewalk (5')	No

(D) *Street plan.* In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to emergency services, snow removal, sanitation and road maintenance equipment and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following minimum design standards for roads are hereby required.

- (1) Minimum design standards.
- (2) Additional criteria.
  - (a) Cul-de-sacs:
    1. Minimum property line radius: 50 feet; and

2. Traveled surface radius: 40 feet.
  - (b) Hammerhead turn-a-round: (allowed only on lanes):
    1. Traveled width: 12 feet, 30 feet to centerline;
    2. ROW: ten feet all sides; and
    3. Radius: 16 feet.
  - (c) Residential traveled street width is based on moving lanes of ten feet, parking lanes of nine feet.
  - (d) Traveled width does not include gutter, when required. Gutter width is included in width of parking lanes.
  - (e) Where required, sidewalk width shall be five feet, setback five feet from curb or edge of pavement. Wheelchair ramps shall be provided at all intersections.
  - (f) ADT (average daily traffic) is based on four trips per single-family residential dwelling unit, per day.
  - (g) All streets shall be improved with a wearing surface approved by the city.
  - (h) Curb/gutter is not required only when a drainage plan for surface water discharge has been approved by the Public Works Administrator.
- (E) *Street grades and condition.*
- (1) The grades of streets shall not exceed 10%, except under unavoidable conditions approved by the Planning Commission at the time of preliminary plat approval.
  - (2) All streets shall have at least a 0.3% grade.
- (F) *Street curves.* Minimum centerlines of curvature, tangents, curb radiuses and sight distances shall be based on design speed as per the Institute of Transportation Engineers, Traffic Engineering Handbook, most current edition.
- (G) *Alleys.*
- (1) Alleys may be required in commercial and industrial districts, except that the Planning Commission may waive this requirement where another definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with zoning ordinance requirements. Such alleys shall have a minimum of 20 feet of right-of-way and shall be dedicated to the public.
  - (2) Alleys are not permitted in residential districts except when the Planning Commission determines special conditions warrant a secondary means of access.
- (H) *Sidewalks.* As required in the tables in division (C) above, and as required in division (D)(2)(e) above.
- (I) *Names.*
- (1) No street names shall be used which will duplicate by spelling or sound, or will otherwise be confused with the names of existing streets. Street names are subject to the approval of the Planning Commission.
  - (2) Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the Planning Commission.
- (J) *Blocks.*
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
    - (a) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
    - (b) Zoning ordinance requirements as to lot sizes and dimensions;
    - (c) Needs for convenient access, circulation, control and safety of street traffic; and
    - (d) Limitations and opportunities of topography.
  - (2) Block lengths shall be subject to approval of the Planning Commission but not less than 300 feet, and shall normally be wide enough to allow two tiers of lots of appropriate depth.
  - (3) Pedestrian crosswalks, not less than ten feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.
- (K) *Lots.*
- (1) The lot size, width, depth, shape and orientation, and the minimum building setback lines

shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) Lot dimensions shall conform to the requirements of the zoning ordinance and the requirements of the State Health Department. In such cases where requirements may conflict, the larger requirements shall govern.

(3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.

(4) Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.

(5) Each lot shall be provided with deeded access to a street. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Along the line of lots abutting such traffic artery or any other such disadvantageous feature, the subdivider shall put in a planting screen easement of not less than ten feet in width, across which no right of access shall be provided.

(6) Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.

(L) *Easements.*

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 15 feet wide total unless otherwise approved by the City Engineer.

(2) Where a subdivision is traversed by a watercourse, drainageway or stream, there shall be provided a storm water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall conform substantially to the lines of such existing or planned drainage way and shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream. Calculations necessary to establishing the magnitude of the drainage way will be paid for by the owner.

(3) Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or offsets and to facilitate the use of easements for power distribution, telephone service and drainage, water and sewer services.

(4) All easements shall be designated for public use only.

(M) *Drainage and inundation.* Drainage and inundation plan shall be pursuant to Chapter 152, Erosion and Sediment Control.

(N) *Building restrictions.* If the subdivision does not lie within the force and effect of an existing zoning ordinance, the Planning and Zoning Commission may require provisions for minimum front, side and rear yards, based upon the standards of the zoning ordinance.

(O) *Non-residential subdivisions.* Non-residential subdivisions shall be governed by any and all applicable regulations contained in this chapter.

(P) *Private streets and reserve strips.* There shall be no private streets platted within a subdivision, and there shall be no reserve strips in a subdivision except where their control is vested in the governing body. Maintenance of such roads shall be the responsibility of the landowners, unless accepted by the governing body.

(Prior Code, § 28.04)

## **§ 154.05 REQUIRED IMPROVEMENTS.**

(A) *Utilities.* All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk or other required pavement.

(B) *Streets and alleys.* Streets and alleys where approved, shall be constructed in accordance with current city specifications.

(C) *Curbs and gutters.* Standard "I" type curbs and gutters shall be placed as required in the tables in § 154.04, and as required in § 154.04(D)(2)(h).

(D) *Water mains.*

(1) The design and specifications of the distribution system shall meet the city requirements but in no case shall water main size be less than six inches.

(2) Fire hydrants, valves and accessories shall be installed as specified.

(3) Water services shall be stubbed to the property line for each lot.

(4) Tracer wire or appropriate substitute shall be installed on all water mains, service lines and accessory lines.

(5) If a well is required for each lot, the location, construction and use of such well shall meet State Department of Environment and Natural Resources' requirements.

(6) If a well is to serve more than one lot, a public water system is required. The design and specifications of such distribution system shall meet city requirements as well as State Department of Environment and Natural Resources requirements.

(E) *Sewers.*

(1) Sewers shall be installed in each subdivision where a public sanitary sewer is within one-half mile of the subdivision, except where restricted by the sanitation district or limited by topography or easement. In all cases, the sewer infrastructure shall be installed in accordance with current city specifications and provisions made for future connection to the public sanitary sewer system.

(2) Subdivisions not located within one-half mile of a public sanitary sewer shall have alternate individual or community sanitary facilities which shall be approved by the governing body and the State Department of Environment and Natural Resources.

(3) Four-inch sewer stubs will be constructed from mains to all lots prior to paving the street.

(4) Tracer wire or appropriate substitute shall be installed on all sewer mains, service lines and accessory lines.

(F) *Storm sewers and drainage.* Storm sewers and drainage structures shall be designed and installed as required by the Public Works Engineer in accordance with good engineering practices and in accordance with Chapter 32 Erosion and Sediment Control Ordinance.

(G) *Private and public utilities.* All utility distribution and service systems shall be placed underground.

(H) *Property markers.* The corners of all lots and the beginning and endings of all curves on property lines shall be accurately marked on the ground with five-eighths to one and one-fourth inch diameter iron rods or pipes at least 18 inches long.

(I) *Street signs.* The subdivider shall install durable street name signs at all intersections which meet specifications of the governing body. One street sign is required for each intersection.

(J) *Oversize facilities.*

(1) The governing body may participate in the cost of "oversize" improvements within a subdivision if it is adjudged that such oversize improvements are necessary to serve large areas of land not in the subdivision and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

(2) The subdivider shall not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount that a "collector street" would cost if situated where such highway or arterial street is located.

(K) *Inspection.* Each facility constructed in the subdivision shall be subject to inspection by city officials.

(Prior Code, § 28.05)

## **§ 154.06 VARIANCES.**

(A) *Hardship.* Where the Planning Commission finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the subdivider, may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the subdivision ordinance, zoning ordinance, major street plan or other elements of the comprehensive/development plan.

(B) *Conditions.* In granting variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified or approved. These conditions may include, without being limited to, personal, surety, performance or maintenance bonds, affidavits, covenants or other legal instruments.

(Prior Code, § 28.06)

**§ 154.99 PENALTY.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the governing body and recorded in the office of the Register of Deeds, shall forfeit and pay a penalty of an amount as set by the City Council from time to time for each lot or parcel so transferred or sold; and the description or other document of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The governing body may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

(Prior Code, § 28.07)



## Meeting the Demands for Housing in Hot Springs: A Plan for Utilizing Excess City Properties

**NOTE:** The following plan is general guidance for the disposal of the City's excess properties. As circumstances change, it may, with Council approval, be necessary to modify the plan as necessary.

### General Items:

- 1) The following actions items will need to be done in conjunction with implementing the "Excess Property Plan:"
- 2) The Council should approve the plan in principle at the earliest opportunity with the provision each major expenditure/contract/action will be subject to approval from Council prior to implementation.
- 3) The city will work in conjunction with the "Housing Working Group" to develop a tax incentive plan that would stimulate construction.
- 4) The Planning and Zoning Commission will insure existing properties are zoned to adequately meet proposed construction listed in this plan.
- 5) The city will use the December 2016 "City of Hot Springs Housing Study" as a guide for the use of these excess city properties.

### Specific Properties:

#### 1) The "Old Water Fill Station"

- a. The City will request SHEDCO pursue a grant to accomplish an environmental search, assessment and possible clean-up (if required).
- b. The City will pursue a matching grant with SD Governor's Office of Economic Development (GOED) to tear down the existing, dilapidated garage. *(Note: This will require GOED to modify existing grant guidelines to insure this structure qualifies for the GOED grant).*
- c. The City will provide necessary access to sewer and water and will attempt to use the cost of providing these items as "in kind" matching funds for the GOED grant.
  - i. The City may also provide demolition labor of the structure should we have the capacity to do this safely and effectively
- d. The City will issue a Request for Proposal (RFP) to allow prospective developers to develop/construct workforce housing units on the property in either of the following ways:
  - i. Multi-unit apartment complex (or)
  - ii. A minimum of four workforce housing units (or)
  - iii. Some other type of work force housing units
- e. An estimate for the value of the land (without the garage) is approximately \$100,000

- f. The RFP will stipulate specific timelines for construction to be completed or the property will be returned to the City for resale.

## **2) The “Butler Park Armory Property”**

- a. The City will request that SHEDCO pursue an environmental grant to search records, assess environmental issues and environmental clean-up (if required).
- b. The City would attempt to purchase the neighboring lot (located to the north of the armory).
  - i. This adjoining lot would be needed for connecting to a sewer line.
  - ii. The adjacent property would also eliminate the need for a costly construction easement needed for the demolition of the old armory.
- c. The City would pursue a grant from SD GOED for the tear down of the armory and use the cost of a connecting sewer line, the purchase of the adjoining property as a part of our match for the grant.
- d. The City would prepare a RFP requesting a developer construct a minimum of at least three workforce housing units that fit existing zoning of the neighborhood.
- e. An estimate for the value of the land is approximately \$75,000.
- f. The RFP would specify a time limit for development where the property would return to the City if the development is not completed within the specified limits.

## **3) The “Old Water Tower Lot”**

- a. The City would list the lot for sale, as is, with no stipulations for usage.
- b. The City could list the lot with a specified price or sell the lot in an auction
  - i. A perpetual easement would be required for an existing sewer line that runs across the property.

## **4) Two “South Garden Street Lots”**

- a. The City has identified two buildable lots located on South Garden Street that require Council approval to list as surplus property.
- b. Since these lots are not suitable for multiple dwellings, once declared surplus, the lots would be listed and sold as is, without stipulations.
- c. The City could list the lot with a specified price or sell the lot in an auction

## CHAPTER 35: ECONOMIC DEVELOPMENT (SELECTED SECTION)

### Section

#### *Discretionary Tax Formula*

- 35.15 Definitions
- 35.16 Application of the discretionary rebate
- 35.17 Discretionary rebate of the city
- 35.18 Jurisdiction

### DISCRETIONARY TAX FORMULA

#### § 35.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICATION.** A form supplied by the city will be used to verify the proposed construction's eligibility to participate in the discretionary tax rebate program. At minimum, the **APPLICATION** shall include the property data (parcel number, legal description, road or address), the owner's information (name, address, e-mail, phone numbers) and a description of the project. Plans for the construction/improvements should be provided for all new construction and new additions. The city reserves the right to remove any project from the program if the construction varies from the approved project. At the time of approval to participate in the program, the applicant will be instructed to submit a copy of the signed application to the County Department of Equalization. Any changes to the project should be brought before the city prior to starting construction to verify further eligibility. Any appeals from the city rulings will be taken to the City Council for a ruling.

**DISCRETIONARY TAX REBATE.** Also known as the **DISCRETIONARY REBATE**. The method in which a property owner can reduce taxation of new structures and additions/improvements as adopted by the City Council. Property taxes will be due annually at the rate not less than the rate prior to construction. Tax relief will start the tax year following the completion of 50% of the construction (based on the standard assessor's scale). All property taxes shall be paid on time. The owner then can apply annually for five years for a rebate. If taxes are not paid on time at any point in the program, the applicant will not be permitted to participate in the program. Taxes are due: the first half by April 30 and the second half due October 31 in any given year. The rebate application must be received by the city not later than December 31 in any given year and the rebate will be paid prior to April 1 the following year.

**OWNER.** The legal owner of the real property. The **OWNER** can change throughout the life of the discretionary tax benefit as the benefit goes with the property. Rebate payments will not be prorated between successive **OWNERS**.

**RESIDENTIAL STRUCTURES.** Any new residential structure (single family or duplex) or any addition to or renovation of an existing residential structure specifically classified as such for tax purposes and located within the city as defined in § 35.02. (Ord. 1187, passed 3-19-2018)

**§ 35.16 APPLICATION OF THE DISCRETIONARY REBATE.**

(A) **ELIGIBLE WORK** is defined as all new construction complete and existing structure improvements including: new addition, foundations repair and stabilization, and new porches greater than 200 square feet. Ineligible work includes interior remodeling, windows, siding, roofing, decks, painting, landscaping, fences and gardens.

(1) All eligible work shall be pre-approved by the city through an application prior to the work being started and the value will be based on the assessed new value to the structure or property.

(2) Only improvements which increase the true and full value of the structure will be considered.

(3) A rebate will need to be applied for annually after all taxes have been paid.

(4) A project that cannot meet the state’s air and water pollution standards pursuant to SDCL § 10-6-35.3 shall not qualify for this discretionary tax rebate.

(B) Residential structures, as defined, any new residential structure or addition or renovation that has a minimum true and full value of \$5,000, added to real property shall be qualified to be assessed pursuant to the discretionary formula associated with the application approval from the city. In order to improve the quality of housing, all residential real property located within the boundaries of the city shall qualify for this discretionary tax rebate.

(Ord. 1187, passed 3-19-2018)

**§ 35.17 DISCRETIONARY REBATE OF THE CITY.**

(A) Structures, as pertaining to this chapter, and who have a rebate applied for, shall be assessed as follows:

<b>Year</b>	<b>Percentage Tax on Added Value</b>
First year	0%
Second year	0%
Third year	0%
Fourth year	0%
Fifth year	0%

(B) All years beyond the fifth year are taxed at 100%.

(Ord. 1187, passed 3-19-2018)

**§ 35.18 JURISDICTION.**

The provisions of this subchapter shall apply to all of the city.

(Ord. 1187, passed 3-19-2018)



# PRE-APPROVAL HOT SPRINGS RESIDENTIAL TAX REBATE

PROPERTY ADDRESS: \_\_\_\_\_

PROPERTY LEGAL DESCRIPTION: \_\_\_\_\_

PROPERTY PARCEL NUMBER: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_

OWNER'S NAME: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

E-MAIL: \_\_\_\_\_

DESCRIPTION OF THE PROJECT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HAS THE PROJECT BEEN ISSUED A BUILDING PERMIT?  YES  NO

IF 'YES' BUILDING PERMIT # \_\_\_\_\_-\_\_\_\_

ATTACH ANY PLANS ASSOCIATED WITH THE PROJECT TO THE APPLICATION FOR REVIEW TO DETERMINE ELIGIBILITY TO PARTICIPATE IN THE HOT SPRINGS RESIDENTIAL TAX REBATE PROGRAM.

OWNER'S SIGNATURE: \_\_\_\_\_

The City of Hot Springs reserves the right to remove any project from the program if the construction varies from the approved project. At the time of approval to participate in the program, the applicant MUST submit a copy of the signed application from the Fall River County Department of Equalization to the City of Hot Springs Finance Officer. Any changes to the project should be brought before the Fall River County Department of Equalization and then to the City of Hot Springs prior to starting construction to verify further eligibility. Any appeals from the City rulings will be taken to the Hot Springs City Council for a ruling.

I HAVE REVIEWED THE APPLICATION AND SUPPORTING PLANS AND DOCUMENTATION AND HAVE FOUND THAT

\_\_\_\_\_

\_\_\_\_\_

AND IS ELIGIBLE TO PARTICIPATE IN THE HOT SPRINGS RESIDENTIAL TAX REBATE PROGRAM.

EXISTING VALUE OF PROPERTY \_\_\_\_\_

ESTIMATED ADDITIONAL IMPROVEMENT VALUE \_\_\_\_\_

IS **NOT** ELIGIBLE TO PARTICIAPTE IN THE HOT SPRINGS RESIDENTIAL TAX REBATE PROGRAM.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION

\_\_\_\_\_  
DATE:

# BUILDING PERMIT APPLICATION

5-14-2020



CITY OF HOT SPRINGS  
303 NORTH RIVER STREET-HOT SPRINGS SD 57747  
605-745-3135

DATE :
RECEIPT / BUILDING PERMIT #:

The City of Hot Springs is an equal opportunity provider

APPLICANT	
PROJECT ADDRESS	
LEGAL DESCRIPTION	
PARCEL I. D.	

### OWNER INFORMATION

OWNER'S NAME	
OWNER'S ADDRESS	
OWNER'S PHONE NO	

### DESCRIPTION OF WORK

S.F RESIDENCE	<input type="checkbox"/>	REMODELING	<input type="checkbox"/>
DUPLEX (S.F)	<input type="checkbox"/>	ALTERATIONS	<input type="checkbox"/>
MULTI-FAMILY RES.	<input type="checkbox"/>	DEMOLITION	<input type="checkbox"/>
CHURCH	<input type="checkbox"/>	GRADING	<input type="checkbox"/>
SCHOOL	<input type="checkbox"/>	DECK	<input type="checkbox"/>
COMMERCIAL	<input type="checkbox"/>	PORCH	<input type="checkbox"/>
MANUFACTURED H.	<input type="checkbox"/>	GARAGE att.	<input type="checkbox"/>
OTHER _____	<input type="checkbox"/>	GARAGE unatt.	<input type="checkbox"/>

Official Use Only  
Do Not Write In This Place

#### ZONING

Residential	<input type="checkbox"/>
Central Business	<input type="checkbox"/>
Highway Commercial	<input type="checkbox"/>
Industrial	<input type="checkbox"/>
Parks	<input type="checkbox"/>
Medical	<input type="checkbox"/>

#### STAFF CHECK

Located in fire district?	<input type="checkbox"/>
Located in flood plain?	<input type="checkbox"/>
Local code check?	<input type="checkbox"/>
IBC check?	<input type="checkbox"/>
VALID contractors license?	<input type="checkbox"/>
Sidewalk required ?	<input type="checkbox"/>
Landscaping required?	<input type="checkbox"/>
Parking required?	<input type="checkbox"/>
Approach permit req.?	<input type="checkbox"/>

ROUND TOTAL PROJECT VALUATIONS TO THE NEAREST \$1000.00

Materials Only Valuation \$

Materials and Labor Total \$

1st Floor	sf Finished	Unfinished	Structure Dim.
2nd Floor	sf Finished	Unfinished	ft Wide
Basement	sf Finished	Unfinished	ft Long
Porch	sf Finished	Unfinished	ft High
Garage	sf Finished	Unfinished	Total SF
Deck	sf Finished		

### CONTRACTOR INFORMATION

NAME	
ADDRESS	
E-MAIL ADDRESS	
COMPANY NAME	
PHONE NO.	
CONTR.'s LICENSE NO.	
INSURANCE EXP. DATE	
EXCISE TAX NUMBER	

### NOTES ON PROJECT:


CONTRACTORS	COMPANY NAME	CONTACT NUMBER
GENERAL	_____	_____
EXCAVATION	_____	_____
CONCRETE	_____	_____
FRAMING	_____	_____
DRYWALL	_____	_____
ROOFING	_____	_____
SIDING	_____	_____
PLUMBING	_____	_____
ELECTRICAL	_____	_____
HVAC	_____	_____

YES	NO	NA	ITEM- SITE PLAN INFORMATION
			All features drawn to scale (recommended 1/4" = 1') (minimum 8 1/2" x 11" paper)
			North Arrow indicating 'North'
			Title Block with name of person who prepared the plans
			Legal description or address of property (lots, block, addition)
			Depict property lines with dimensions
			Distances of structures from lot or property lines (not streets, curbs or sidewalks)
			Show all structures, existing and proposed (include sheds, porches and decks)
			Show all streets, alleys and right-of- ways (include street names)
			Show all easements, existing and proposed
			Show all utilities from street into and across property
			Show drainage ways, existing and proposed
			show drainage easements, existing and proposed
			Show storage and staging areas for excavated material
			Show any significant topographical information
			Indicate driveway extending to street
			Indicate sidewalks (where planned or where required)

YES	NO	NA	ITEM- CONSTRUCTION DOCUMENTS GENERAL INFORMATION
			All plans drawn to scale (recommended 1/4" = 1') (minimum 8 1/2" x 11" paper)
			Plans drawn to sufficient clarity to read
			Title Block with name of person who prepared the plans
			Legal description or address of property, (lots, block, addition)
			Provide front, rear and side views of proposed finished structure to finished grade
			Contractors and owner info listed on title Block
			Clearly note and depict proposed use of the structure(s)

YES	NO	NA	ITEM- FLOOR PLAN
-----	----	----	------------------

			The use of each room listed (master bedroom, bath, utility, etc.)
			Indicate all exits with shown door swing direction
			Window schedule or sizes and type on plans: Indicate egress windows
			Indicate locations of all required smoke alarms
			Indicate locations of all required carbon monoxide alarms
			Indicate all headers with dimensions and materials (LVL, steel, etc.)
			Indicate location of all HVAC and mechanical equipment
			Indicate dimensions of entire structure
			Indicate dimensions of each level (include basement-finished or unfinished)
			Indicate dimensions of each room /area
			Indicate required fire separation between attached garage and dwelling area
			Indicate required fire separation under stairways (fire-taping is required)
YES	NO	NA	<b>ITEM- FOUNDATION PLAN AND DETAILS</b>
			Indicate footings, stem walls, pier sizes, and retaining wall heights and locations
			Indicate size and placement of all reinforcement
			Indicate depth of footings below finished grade (48" frost depth)
			Indicate type and size of sill plate anchorage
			Indicate crawl space ventilation and crawl space access
YES	NO	NA	<b>ITEM- WALL, FLOOR AND ROOF FRAMING DETAILS</b>
			Provide wall section detail from footer to finished roof; dimensions and materials
			Engineered floor and/or roof truss data sheet required for loading verification
			Indicate engineered beam and joist type, size and manufacturer information
			Indicate wall, floor and roof framing size, height, span, spacing, species and grade
			Indicate wall and roof insulation type, location and R-value and vapor barrier
			Indicate interior and exterior wall and ceiling finishes
			Indicate attic ventilation and access location
			Indicate roof covering material
			Deck construction to conform to current Prescriptive Deck Construction Guide.
YES	NO	NA	<b>ITEM- Remodel of Existing Structure Information</b>
			Indicate the most current previous use of structure
			Provide rough sketch of current layout (prior to construction)
			Clearly note and depict planned changes (example: "this wall to be removed")
			If construction is only portion of structure, provide sketch of surrounding area and uses, (including dimensions, area use, exit pathways)

**CITYOF HOT SPRINGS BUILDING REQUIREMENTS**

**RESIDENTIAL DISTRICTS:**

All set-backs are measured from property lines (not street or center of street).  
 Covered and enclosed porches, decks and steps are considered 'additions' by building code  
 Minimum 7500 sq./ft lot area required for single family dwellings (water & sewer required).  
 Townhouses shall have a minimum lot size of 5000sf for units with one common wall  
 Townhouses shall have a minimum lot size of 2500sf for units with two common walls.  
 The height of all structures shall not exceed thirty-five feet in height (avg roof height).

**PRIMARY STRUCTURE SET-BACKS**

Front Yard - 25 foot set-back from property line(s) abutting a street or street right-of-way.  
 Back Yard - 25 foot set-back from interior property lines.  
 Each Side Yard 6 foot set-back from interior property lines. (Interior property lines not adjacent to a street or alley).

Attached garages are considered part of the primary structure.

**GARAGE AND ACCESSORY BUILDING SET-BACKS (DETACHED)**

3 foot separation between detached accessory structures is required if no fire protection is provided.  
 25 foot set-back from property line(s) abutting a street or street right of way.  
 12 foot set-back from rear property line (abutting an alley).  
 6 foot set-back from interior property lines.

REQUIRED INSPECTIONS	FOR OFFICIAL USE ONLY		Plan Review Invoice Number	
		VALUATION		#
<input type="checkbox"/> SITE	A.	BUILDING PERMIT FEES		Per Fee Schedule
<input type="checkbox"/> FOOTING REBAR	B.	Plan Review (=25% Permit Fee)		25% Permit Fee (A x 25%) (Paid prior to issuance of permit)
<input type="checkbox"/> STEM WALL REBAR	C.	WATER TAP FEE		Per Fee Schedule (Standard Res [\$500])
<input type="checkbox"/> FRAMING	D.	SEWER TAP FEE		Per Fee Schedule (Standard Res [\$300])
<input type="checkbox"/> FINAL INSPECTION	E.	WATER METER		Per Fee Schedule (Standard Res [\$505])
<input type="checkbox"/> CERTIFICATE OF OCCUPANCY	F.	Sales Tax (6.5%)		Water Meter x 6.5% (E x 6.5%)
	TOTAL FEE			A - B + C + D + E + F + G
	ISSUED BY:		DATE ISSUED	

- This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.
- It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection.
- No building permit shall be issued until a site plan is filed with the Planning Department Administrator.

This permit conveys no right to occupy any street, alley or sidewalk either temporarily or permanently. Encroachments on public property, must be approved by the jurisdiction. Street or alley grades, depth and location of public or public sewers may be obtained from the Department of Public Works. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision and or zoning restrictions.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified heron or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulation construction or the performance of construction.

X Signature of Project Owner \_\_\_\_\_ Date \_\_\_\_\_

X Signature of General Contractor \_\_\_\_\_ Date \_\_\_\_\_

Resolution 2019-31

CITY WIDE FEE RESOLUTION - SETTING FEES AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF HOT SPRINGS

WHEREAS, the City of Hot Springs provides numerous services and enforces several requirements which are supported financially by various fees and charges as allowed by South Dakota Codified Law and City Ordinances; and

WHEREAS, The City of Hot Springs finds it to be in the best interests of the City and its citizens to adopt a comprehensive fee resolution in conjunction with our recent Ordinance codification project which now refers to a city wide fee resolution.

NOW THEREFORE, BE IT RESOLVED, by the City of Hot Springs to set the following schedule of fees and charges as provided below:

CALENDAR YEAR LICENSES (JAN 1-DEC 31)		
CITY LICENSES		
CLASS A-2 CONTRACTOR RENEWAL FEE	\$	50.00
CLASS A-2 CONTRACTOR LICENSE-JOB SPECIFIC	\$	200.00 RENEWAL FEE \$200 LIFE OF PROJECT
CLASS A CONTRACTOR LICENSE	\$	100.00 ANNUALLY AND \$50 RENEWAL
CLASS B CONTRACTORS LICENSE	\$	50.00 ANNUALLY AND \$25 RENEWAL
CLASS C CONTRACTOR LICENSE	\$	35.00 ANNUALLY AND \$25 RENEWAL
BUILDING PERMITS	\$	-
TRENCHING PERMIT	\$	25.00
TRENCHING CONTRACTORS LICENSE	\$	50.00
EXCAVATION PERMIT	\$	25.00 0-100 SQ FT
EXCAVATION PERMIT	\$	50.00 OVER 101 SQ FT
SITE DEVELOPMENT PERMIT	\$	150.00 100 SQ. FT. TO 10,000 SQ. FT.
SITE DEVELOPMENT PERMIT	\$	350.00 10,001 SQ FT TO 45,000 SQ FT
SITE DEVELOPMENT PERMIT	\$	1,000.00 GREATER THAN 45,000 SQ FT
BLASTING PERMIT (WRITTEN)	\$	100.00 WITH STATE LICENSE AND WRITTEN PLAN-REQ 1MM BOND
APPEALS TO THE BOARD OF ADJUSTMENT	\$	200.00
REZONING: MAP AMENDMENT	\$	350.00
USE PERMIT ON REVIEW	\$	150.00 CUSTOMARY HOME OCCUPATION AND OTHER USE PERMITS
VARIANCE REQUEST	\$	200.00
ZONING TEXT AMENDMENT	\$	300.00
SUBDIVISION AND PUD REVIEW FEES	\$	750.00
BUILDING PERMITS AND USE FEE SCHEDULE (IMPROVEMENTS COST)		
\$1.00 - \$5,000	\$	50.00
\$5,001 - \$10,000	\$	75.00
\$10,001 - \$15,000	\$	100.00
\$15,001 - \$20,000	\$	125.00
\$20,001 - \$25,000	\$	150.00
\$25,001 - \$30,000	\$	175.00
\$30,001 - \$35,000	\$	200.00
\$35,001 - \$40,000	\$	225.00
\$40,001 - \$45,000	\$	250.00
\$45,001 - \$50,000	\$	275.00
\$50,001 - \$55,000	\$	300.00
\$55,001 - \$60,000	\$	325.00
\$60,001 - \$65,000	\$	350.00
\$65,001 - \$70,000	\$	375.00
\$70,001 - \$75,000	\$	400.00
\$75,001 - \$80,000	\$	425.00
\$80,001 - \$85,000	\$	450.00
\$85,001 - \$90,000	\$	475.00
\$90,001 - \$95,000	\$	500.00
\$95,001 - \$100,000	\$	525.00
\$100,001 & UP	\$	525.00 \$100,001.00 & UP ADD \$1.00 FOR EACH ADD'L \$1000 TO THE MAX BASE FEE OF \$1,000

CITY OF HOT SPRINGS  
303 No. River Street  
Hot Springs, SD 57747  
605-745-3135

PERMIT # \_\_\_\_\_

DATE: \_\_\_\_\_

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**EXCAVATION PERMIT AND WATER/SEWER TAP APPLICATION**

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Company Name: \_\_\_\_\_ Bus. Phone: \_\_\_\_\_  
Name of Owner: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

*The above listed contractor does hereby make application for a City Excavation Permit in accordance with City Ordinances Sections 22-33 through 22-37. Plans and as-built maps of work performed are required.*

Name of property owner: \_\_\_\_\_

Property owner's address: \_\_\_\_\_ phone: \_\_\_\_\_

Address of job location: *(if different from above)* \_\_\_\_\_

Type of work being done: (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> new water service installation-size _____       | <input type="checkbox"/> existing water service repair  |
| <input type="checkbox"/> new sewer service installation-size _____       | <input type="checkbox"/> existing sewer service repair  |
| <input type="checkbox"/> residential <input type="checkbox"/> commercial | <input type="checkbox"/> outside city limits (1½ times) |
| <input type="checkbox"/> other: _____                                    |   |

Starting date \_\_\_\_\_ Completion date \_\_\_\_\_

---

\_\_\_\_\_  
*Contractor/Applicant Signature*

---

\_\_\_\_\_  
*Date of Application*

---

\_\_\_\_\_  
*Approved by:*

---

\_\_\_\_\_  
*Date*

---

\_\_\_\_\_  
*Permit # issued*

---

water tap fee:        \$ \_\_\_\_\_        account # 602-38150

sewer tap fee:        \$ \_\_\_\_\_        account # 604-38350

excavation permit    \$ \_\_\_\_\_        account # 101-32060

**Total fees due        \$ \_\_\_\_\_        Separate checks are required for payment**

---

Receipt # \_\_\_\_\_        Amount Paid: \_\_\_\_\_        Date Paid: \_\_\_\_\_

---

---

Excavation contractor is responsible for all street surfacing, sidewalks, curb and gutter, alleys and anything else destroyed or damaged during excavation project shall be restored to its original condition or better before the completion of the project.

Liability: If any settlement occurs in or under the surface of pavement within one (1) year of the completion of the project it shall be presumed that bedding, backfill and/or compaction was not done to City specifications. Upon notification of the discrepancy the Excavation Contractor will correct the deficiencies within a reasonable period of time.

If the City must cause the work to be done the Excavation Contractor responsible will be charged one and one half (1½) times the cost incurred by the City to rectify the situation. Failure to comply with the provisions of this permit may result in the suspension of excavation permits and/or licenses.



City of  
**HOT SPRINGS**  
South Dakota  
303 North River St. 57747  
605-745-3135

## WORKER'S COMPENSATION STATEMENT OF NON-PARTICIPATION

South Dakota State Law does not require a proprietorship or partnership to participate in the State Worker's Compensation program as long as no person is employed by the same. The below listed partnership or proprietorship has no employees and does not participate in the South Dakota Worker's Compensation program.

---

Name of business

---

Physical address

---

City/state/zip

---

Mailing address

---

Name of owner(s) and partner(s)

I/We certify that the above statements are true, and further agree to immediately notify the City of Hot Springs Building Inspection Department in writing of any changes regarding the information on this form.

---

*Authorized signature of owner or owner's agent*

---

*Date*

## CONTRACTOR CLASSES

CONTRACTOR CLASS 'A': Individual or company that is the General Contractor, project administrator or project manager in charge of any construction project *up to* \$500,000. A Class A contractor has the option to list all subcontractors on a job-specific Exemption Form. All sub-contractors will then be exempt from local licensing requirements for that project.

CONTRACTOR CLASS 'A-2': Individual or company that is the General Contractor, project administrator or project manager in charge of any construction project *in excess of* \$500,000. A Class A-2 contractor has the option to list all subcontractors on a job-specific Exemption Form. All sub-contractors will then be exempt from local licensing requirements for that project.

CONTRACTOR CLASS 'B': A contractor for a construction project that does not exceed \$35,000 in total valuation or a sub-contractor on a construction project who's part or portion of the project does not exceed 25% of the total valuation of the project.\*\*\*

CONTRACTOR CLASS 'C': Individual or company for hire providing services for paving, siding/roofing, tree service, drywall/sheetrock, HVAC, underground sprinkler systems or landscape contractor work.

*\*\*\*Plumbing and Electrical contractors are exempt from licensing unless they meet the requirements of a Class B Contractor.*

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