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# **2016 REVISED HARTFORD ZONING REGULATIONS**

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

*Amended through Ordinance 705, Adopted March 16, 2021*

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# 1

## GENERAL PROVISIONS

### 1.01 Title and Application

These regulations shall be referred to as the 2016 Revised Zoning Ordinance of the City of Hartford.

### 1.02 Jurisdiction

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

### 1.03 Purpose

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

The Zoning Ordinance is intended to:

- \* lessen congestion in the streets;
- \* secure safety from fire, panic and other dangers;
- \* promote health and the general welfare;
- \* provide adequate light and air;
- \* prevent overcrowding of land;
- \* avoid undue concentrations of population; and
- \* facilitate the adequate provision of transportation, water, sewers, school, parks and other public necessities.

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

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

### **1.05 Penalties for Violation**

If the Authorized Official determines that a violation of the provisions of this Ordinance has occurred, they shall issue a notice of violation and give the landowner time to comply with the Ordinance. If the person fails to comply within the time designated, then a citation shall be issued and the landowner assessed a civil penalty, which shall be set by resolution of the City Council. Each day that the violation continues shall be considered a separate offence and subject them to additional civil penalties. The City may file legal proceedings to collect the civil penalties and/or to correct the violation.

The owner or tenant of any building, structure or premises, any architect, builder, contractor, agent or other person who commits, maintains, assists in or participates in such violation may be also assessed a civil penalty.

### **1.06 Separability Clause**

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

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

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

### **1.08 Effective Date**

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

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# 2

## DISTRICTS AND BOUNDARIES

### 2.01 Districts Designated

The City is hereby divided into the following districts:

NRC	Natural Resource Conservation
R	Residential
MH	Residential - Manufactured Housing
NC	Neighborhood Commercial
CC	Community Commercial
RC	Regional Commercial
CB	Central Business
LI	Light Industrial
HI	Heavy Industrial

### 2.02 Adoption of Official Zoning Map

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

### 2.03 Changes to Official Zoning Map

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

### 2.04 Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following platted lot lines or city limits shall be interpreted to follow such platted lot lines or municipal limits;
- B. Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks;
- C. Boundaries indicated as approximately following the center lines of streets or other rights-of-way, or streams or other bodies of water, shall be interpreted to follow such center lines;

- D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment, as established in Chapter 17, shall interpret the district boundaries.
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a Conditional Use Permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.

## **2.05 Annexations**

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



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# 3

## NRC: NATURAL RESOURCE CONSERVATION DISTRICT

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

### 3.01 Permitted Uses

Permitted Use	Applicable Standards
<b>Agriculture</b>	12.02 Any row crop over five feet must meet minimum setback of 50 feet from any street frontage.
<b>Single-family farm dwelling</b>	12.02, 12.04, 12.10, 12.11 Not within identified floodplain area.
<b>Golf course</b>	12.02, 12.04, 12.06 One freestanding sign as allowed within 12.06.
<b>Public park</b>	12.02, 12.04, 12.06
<b>Electrical substation</b>	12.02, 12.11 An opaque screen, six feet in height, shall be located at all setback lines.
<b>Public utility facility</b>	12.02, 12.04, 12.06, 12.11 One freestanding sign as allowed within 12.06.
<b>Cemetery</b>	12.02 At least two (2) acres in size and adequate road system within cemetery. Not within an identified floodplain area. One freestanding sign as allowed within 12.06.
<b>Municipally owned waste water treatment facility</b>	11.02, 11.04, 11.05, 11.06, 11.11
<b>Place of Worship</b>	12.02, 12.04, 12.11 All parking lots being eight feet from all residential properties. One of the principal frontages shall abut upon an arterial or collector street. One free standing sign as allowed within 12.06
<b>Fence</b>	12.08

Permitted Use	Applicable Standards
Bed and breakfast establishment	12.14 One freestanding sign as allowed within 12.06
Accessory use and buildings (i.e. garage, shed)	12.03 ( <i>see definition</i> )

(Amended: Ordinance No. 694, Adopted 10/6/2020)

### 3.02 Conditional Uses

Conditional Use	Applicable Standards
One additional single-family dwelling or manufactured home	19.01 Said dwelling shall be located within the farmstead perimeter. Not within an identified floodplain area.
Wireless communication facility on existing support structure	12.09, 19.01 Not within an identified floodplain area.
Home occupation	12.12, 19.01
Wind energy conversion system	12.02, 12.06, 12.15, 19.01

### 3.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).  
Lot coverage shall not exceed 10% in NRC Districts.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	1 acre	150 feet	50 feet	30 feet	30 feet	35 feet

#### Exceptions

#1 See Adjustment to Yard Regulations (Chapter 13) for specific exceptions.

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# 4

## R: RESIDENTIAL DISTRICT

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

### 4.01 Permitted Uses

Permitted Use	Applicable Standards
Single-family detached dwellings	12.02, 12.04, 12.06, 12.10, 12.11
Two-family dwelling	12.02, 12.04, 12.06, 12.10, 12.11
Place of Worship	12.02, 12.04, 12.11 All parking lots being eight feet from all residential properties. One of the principal frontages shall abut upon an arterial or collector street. One free standing sign as allowed within 12.06
Library	12.02, 12.04, 12.11 All parking lots being eight feet from all residential properties. Signage as allowed within 12.06 under CB District.
Public parks and trails	12.02, 12.04, 12.06
Schools	12.02, 12.04, 12.11 All parking lots being eight feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street. One freestanding sign as allowed within 12.06.
Neighborhood utility facility	12.02
Electrical substation	12.11, 12.02 An opaque screen, six feet in height, shall be located at all setback lines.
Wireless communication facility on existing support structure	12.09
Accessory use and buildings (i.e. garage, shed)	12.03 (see definition)
Fences	12.08

(Amended: Ordinance No. 694, Adopted 10/6/2020)

## 4.02 Conditional Uses

Conditional Use	Applicable Standards
Multiple-family dwellings (3 or more dwelling units)	12.02, 12.04, 12.06, 12.10, 12.11, 19.01
Group day care	19.01 A safe pickup and drop off area must be provided for the children.
Bed and breakfast establishment	12.14, 19.01 All single-family detached dwelling standards. One freestanding sign as allowed within 12.06.
Home occupations	12.12, 19.01
Group home (see definition)	19.01 Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All single-family detached dwelling standards apply.
Wind energy conversion system	12.02, 12.06, 12.15, 19.01

## 4.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).  
Lot coverage shall not exceed 50% in R Districts.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-Family detached dwelling (Z-Lots Only) #1	7,500 sq. ft.	55 feet	25 feet see #2, #3	5 feet see #4	25 feet/15 feet – corner lots	35 feet
Single-family detached dwelling	7,500 sq. ft.	66 feet	25 feet see #2, #3	7 feet see #4	25 feet/15 feet - corner lots	35 feet
Two-family dwelling	11,250 sq. ft. Zero lot line split: 5,625 sq. ft.	90 feet	25 feet see #2, #3	0' on party wall side and 7' on nonparty wall side see #4	25 feet/15 feet - corner lots	35 feet

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
<b>Multiple-family dwellings (3 or more dwelling units)</b>	7,500 sq. ft. plus 800 sq. ft. per dwelling unit	100 feet	25 feet see #2, #3	15 feet see #4	25 feet/15 feet - corner lots	45 feet
<b>All other uses</b>	5,000 sq. ft.	75 feet	25 feet see #2,	7 feet see #4	25 feet / 15 feet - corner lots	35 feet

**Exceptions**

- #1 A Z-Lot is a residential lot that has been approved by the City Engineer. The structures on a Z-Lot must be placed parallel to the angle portion of the lot and can only have a 25 foot driveway within the boulevard area with a maximum of a 6 foot flare.
- #2 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #3 One required front yard may be reduced to 20 feet on corner lots. The street upon which the property is addressed must have a front yard setback of 25 feet.
- #4 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.

*(Amended: Ordinance No. 665, Adopted 5/7/2019; 677, Adopted 8/20/2019)*

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# 5

## MH: MANUFACTURED HOUSING RESIDENTIAL DISTRICT

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

### 5.01 Permitted Uses

Permitted Use	Applicable Standards
Type I manufactured homes	12.13, 12.02, 12.03, 12.04, 12.06, 12.11
Type II manufactured homes	12.13, 12.02, 12.03, 12.04, 12.06, 12.11
Place of Worship	12.02, 12.04, 12.11 All parking lots being eight feet from all residential properties. One of the principal frontages shall abut upon an arterial or collector street. One free standing sign as allowed within 12.06
Electrical substation	12.11, 12.02 An opaque screen, six feet in height, shall be located at all setback lines.
Wireless communication facility on existing support structure	12.09
Neighborhood utilities	12.02
Accessory use and buildings (i.e. garage, shed)	12.03 (see definition)

(Amended: Ordinance No. 694, Adopted 10/6/2020)

### 5.02 Conditional Uses

Conditional Use	Applicable Standards
Schools	12.02, 12.04, 12.11, 19.01 One of the principle frontages shall abut upon an arterial or collector street. Signage as allowed within 12.06 under CB District.

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Group day care</b>	19.01 A safe pickup and drop off area must be provided for the children.
<b>Group home</b>	19.01 Structure must be a single housekeeping unit. Applicant must provide copy of state agency license.
<b>Wind energy conversion system</b>	12.02, 12.06, 12.15, 19.01
<b>Home occupations</b>	12.12, 19.01

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*

### **5.03 Lot and Yard Regulations**

All measurements shall be taken from the lot line to the building line (see definitions).

1. Each manufactured home park shall be at least 5 acres.
2. The licensed manufactured home park shall be surrounded by a landscaped area 25 feet wide along all public streets and all manufactured home park boundaries.
3. The entrance to the manufactured home park shall be allowed one freestanding sign as allowed for specified uses in 12.06.

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
<b>Residential Uses</b>	5,500 sq ft	50 feet	25 feet	7 feet	25 feet	35 feet
<b>Corner Lots</b>	6,000 sq ft	60 feet	25 feet	7 feet side & 15 feet corner side	25 feet	35 feet
<b>All Other Uses</b>	6,000 sq ft	60 feet	25 feet	15 feet	25 feet	35 feet

## Exceptions

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

### **5.04 Manufactured Home Park Licensing and Compliance**

- A. Definitions. Whenever used in this chapter, the following words shall have the meaning indicated, unless the context clearly indicates otherwise:
1. **Manufactured home** means the definition of manufactured home contained in 20.02 Definitions, hereof.
  2. **Manufactured home park** means the definition of manufactured home park contained in 20.02 Definitions, hereof.
  3. **Travel trailer** means the definition of travel trailer contained in 20.02 Definitions, hereof.
  4. **Travel trailer campground** means any plat or ground on which a camper, travel trailer, motor home or tent is located for short-term occupancy regardless of whether or not a charge is made for such accommodation. However, such definition shall not include the premises of one who stores thereon a single trailer of which he is the owner.
- B. Minimum area. No manufactured park as defined herein shall be located on any parcel of ground having a surface area of less than five (5) acres unless abutting an existing mobile home park. A minimum of fifteen (15) manufactured home spaces must be provided for occupancy under the initial construction of a manufactured home park to ensure that streets, parking and other facilities are completed for the first occupants.
- C. Administration; right of entry for inspection. The administration and enforcement of this article shall be under the supervision and jurisdiction of the Zoning Administrator of the City.
- The Zoning Administrator shall have the right and is hereby empowered to enter upon any premises on which manufactured homes, travel trailers or campers are or about to be located and inspect the same and all accommodations connected therewith at any reasonable time.
- D. Location outside parks.
1. Except as otherwise provided, it shall be unlawful, within the limits of the city, to park any manufactured home or travel trailer on any street, alley or highway, or other public place, or on any tract of land owned by any person



occupied or unoccupied, within the city.

2. Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one hour subject to any other or further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley or highway.
3. No person shall park or occupy any mobile home or travel trailer on the premises of any occupied dwelling, except the parking of only one (1) unoccupied travel trailer in an accessory private garage building or in the rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in the travel trailer while so parked or stored. Temporary parking of an occupied or unoccupied travel trailer for a period not to exceed seven (7) consecutive days is permitted on private property.

E. Permanent occupancy. Manufactured homes may be used as permanent places of adobe, or as, permanent dwellings for an indefinite period of time only in the following case:

1. Where such manufactured home is lawfully located and maintained in a manufactured home park.

F. License; application and issuance.

1. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home park or travel trailer campground within the limits of the city without having first secured a license for each of them from the city granted and existing in compliance with the terms of this article. All licenses shall expire on the first day of January of each year, but may be renewed under the provisions of this chapter for additional periods of one year. Each application for a license shall include a showing that the applicant's premises comply with this article or any amendment of the same, except as provided in Section H. A license fee established by resolution shall accompany each application for a new license or the renewal of an existing license.
2. The initial application for such license shall be made in conjunction with the building permit application according to the procedures in Zoning Regulations: 16 Building Permits, Fees and Certificate of Occupancy. The renewal of the license shall be filed with the finance officer. The application for a license or a renewal thereof shall be made on printed forms furnished by the finance officer and shall include the name and address of the owner in fee of the tract, if the fee is vested in some person other than the applicant, a duly

verified statement by that person, that the applicant is authorized by him to construct or maintain the mobile home park and make the application and such legal description of the premises, upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the park plan showing the following, either existing or as proposed:

- a. The extent and area used for park purposes.
- b. Roadways and driveways.
- c. Location of sites or units for manufactured homes.
- d. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants.
- e. Method and plan of sewage disposal.
- f. Method and plan of garbage removal.
- g. Plan for electrical power of units.

G. Inspection fee. Each manufactured home moved onto a manufactured home park lot shall be inspected by the Zoning Administrator of the city and an inspection fee paid by the manufactured home owner to the finance officer prior to occupancy of the manufactured home. Said inspection fee shall be set by resolution. Such inspection shall insure compliance with the provisions of this article. Licenses issued under the terms of this article convey no right to erect any building, to do any plumbing work or to do electrical work, and are not transferable.

H. Temporary license. Manufactured home parks in existence prior to January 1, 2008, may be granted a limited license annually for eight (8) years from that date without complying with all of the restrictions and requirements imposed by this article. However, at the end of that time period, the manufactured home park shall be in compliance with this article or any amendment of the same.

However, the owner of each manufactured home park granted a temporary license under the terms of this section shall submit signed park plans, specifications and statement of intention to the city finance officer by July 1, 2008, revealing the owner's plan to bring the park into full conformance of this article by January 1, 2018. The plan shall show improvements to be made on a yearly basis and must be approved by the city council.

In no case shall any manufactured home be moved into any manufactured home park that does not have a manufactured home park license or onto an existing

manufactured home lot which does not comply with the area and yard requirements of this article or the requirements of the approved park plan.

An annual inspection shall be made or caused to be made by the building official to ensure compliance with all provisions of this article. Those manufactured home parks having deficiencies shall be notified of the deficiencies and allowed thirty (30) days in which to correct them. At the end of the thirty-day period, the building official shall determine if the deficiencies have been corrected; and if they remain uncorrected, he shall suspend the license of the manufactured home park.

I. Plan. The applicant for a manufactured home park license shall submit with his application a plan of construction within the proposed park adhering to and observing the space limitations and requirements hereinafter prescribed and within a manufactured home park, the following space regulations and other requirements shall apply:

1. Area requirements:

- a. Minimum lot area shall be five thousand five hundred (5,500) square feet.
- b. Minimum lot width at building line shall be fifty (50) feet.
- c. Minimum space between manufactured homes shall be ten (10) feet if a one-hour fire resistive wall eight (8) feet in height is constructed on the lot line between the front yard and rear yard lines. In the absence of such a wall, the minimum space between manufactured homes shall be twenty (20) feet. Except, manufactured homes located on lots within manufactured home parks at the time of passage of this ordinance shall be required to have a minimum distance between manufactured homes or structures attached thereto of sixteen (16) feet so long as said manufactured home remains on the same lot.
- d. Maximum projection of an attached structure to one side shall be five (5) feet and a carport may be attached; said projections shall not be included in side yard measurements. Any projection other than the two (2) above specified instances shall be counted in determining side yard requirements.
- e. Side yards shall be at least seven (7) feet and rear yards shall be at least twenty-five (25) feet.
- f. Front yards of twenty-five (25) feet shall be provided from the public or private street as the case may be.

- g. In no case shall any manufactured home occupy more than one-third the total area of any lot.
- h. Exceptions to area requirements for lots established in manufactured home parks prior to January 1, 2008.
  - I. Minimum lot area shall be twenty-two hundred (2,200) square feet.
  - II. Minimum lot width at building line shall be thirty-one (31) feet.
  - III. Front yards of twenty-five (25) feet shall be provided on public or private streets measured from the lot line. The maximum building site of each manufactured home shall be shown on the park plan for each manufactured home lot.
- J. Building size is the measurement of the manufactured home excluding the trailer hitch and tongue.
  - 1. Street and access requirements:
    - a. Minimum roadway widths within a manufactured home park shall be:
      - Twenty (20) feet with no parking on roadway permitted.
      - Thirty (30) feet with parking permitted on one side only.
      - Forty (40) feet with parking permitted on both sides.
    - b. All manufactured home space shall abut upon hard surfaced streets. Surfacing shall be Portland cement concrete or asphaltic concrete. Completion of surfacing shall be within two (2) years of the date of passage of this ordinance or one year of the construction of a new manufactured home park.
    - c. All dead-end streets or roadways shall terminate in an open space having a sixty-foot minimum diameter. No dead-end street or road shall exceed five hundred (500) feet in length.
    - d. Streetlights of one hundred seventy-five (175) watt luminaires at one hundred fifty (150) feet maximum spacing shall be provided for the safe movement of pedestrians and vehicles at night.
    - e. Sidewalks shall be provided within the manufactured home park between the individual manufactured homes, the park streets and all community facilities provided for park residents. Interior sidewalks and

individual walks shall be of Portland cement concrete at least four (4) inches in thickness and two and one-half (2 ½) feet in width; except, individual walks two (2) feet in width may be retained where they exist on the date of passage of this Code. Exterior sidewalks and sidewalks along public streets shall comply with the requirements of the ordinances of the city pertaining to public sidewalks.

- f. The owner of a manufactured home park shall provide a roadway which shall be at least twenty (20) feet in width with no parking permitted, or thirty (30) feet in width with parking permitted on one (1) side only or forty (40) feet in width with parking permitted on both sides for the purpose of connecting the roadway system within the manufactured home park with the public highway system.
  - g. It shall be unlawful and a violation of this article for any person to obstruct any roadway required by the provisions of this section.
- 2. Every manufactured home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.
  - 3. Car parking areas shall be provided at the rate of at least two (2) car spaces for each manufactured home lot, and at least one (1) of the spaces shall be located on the lot. The car parking spaces shall be surfaced with Portland cement concrete or asphaltic concrete completed in place before occupancy. In no case shall parking be permitted on interior drives within twenty-five (25) feet of exterior driveways or interior intersections.
  - 4. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
  - 5. Each manufactured home space shall be provided with a hardstand of sufficient size and depth to adequately accommodate a manufactured home.
  - 6. Anchors such as deadmen, screw augers or arrowhead anchors approved by the Zoning Administrator for the city shall be provided and installed by the owner of each manufactured home.
  - 7. Each lot in the manufactured home park shall be identified by a clearly visible number the size of which shall be at least three (3) inches in height.
- K. Water supply and sanitary sewer. Within any manufactured home park the following regulations applicable to water supply and sanitary waste removal shall

be observed:

1. All units in the manufactured home park shall be served by a connection with the public water supply, an adequate supply of pure water, furnished through a pipe distribution system connected directly with the city water system.
2. All units in any manufactured home park shall be equipped with flush-type toilets and be connected to the city sewer system.

L. Refuse disposal. Within any manufactured home park the following regulations relating to the collection and disposal of solid and semisolid waste shall be observed:

1. The storage, collection and disposal of refuse in the manufactured home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.
3. All refuse shall be collected in accordance with existing ordinances. Where suitable collection service is not available, the manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

M. Plumbing, heating and electrical repair work. All plumbing, heating and electrical alterations or repairs in a manufactured home park shall be made in accordance with city ordinance.

N. Skirting of manufactured homes required. Every manufactured home owner shall cause such home to be skirted with material approved by the building official after placement of the home. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

O. Additions. No additions shall be built onto or become a part of any manufactured home unless approved by the building official.

P. Register of occupants. It shall be the duty of each licensee to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner of each manufactured home.

2. The name and address of the manufactured home renter, if not the owner.
3. The make, model, year, lot number and exterior dimensions of each manufactured home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

- Q. Management, maintenance and control of person in charge. An office, denoted by a sign, shall be maintained in every manufactured home park in which shall be located a person in charge of said park. A copy of the park license and of this article shall be posted therein and the park register shall at all times be kept in said office. A map of the manufactured home park shall be displayed showing the location of each lot. In the event no office is maintained in the manufactured home park, illuminated signs shall be maintained at each entrance to the manufactured home park showing the name of the manufactured home park and a map showing the location and lot number of each lot in the manufactured home park.
- R. Duty of owner and others regarding licenses. It is hereby made the duty of the attendant or person in charge together with the licensee, to:
1. Keep at all times the register of all occupants as hereinbefore provided.
  2. Maintain the park in a clean, orderly and sanitary condition at all times.
  3. Cut and control all noxious weeds.
  4. Post speed limit signs meeting the specifications of the city engineer at the entrances of the park restricting motor vehicle traffic to not more than fifteen (15) miles per hour.
  5. Notify the building inspector whenever a space is vacated.
  6. Notify the building inspector before a manufactured home is placed in a new or vacated space.
  7. See that the provision of this article and all other applicable laws and ordinances are complied with.
  8. Cap all sewers not connected to a manufactured home.
- S. Manufactured home placement permit. The manufactured home court owner shall

submit a permit application to the building inspector before a manufactured home is allowed to be placed in a new or vacated space in the owner's court. Such permit shall include the manufactured home owner's name, manufactured home make/model/size, date and time of anticipated arrival, and the court lot location assigned.

- T. Annual compliance plan review. Prior to the annual licensing of all manufactured home courts, an inspection shall be conducted for each manufactured home court to determine the court owner's conformance with the signed manufactured home court ordinance compliance plan. Such inspection shall include a review of all variances granted in the plans to determine the status and/or continued need for those vacancies.



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# 6

## NC: NEIGHBORHOOD COMMERCIAL DISTRICT

The purpose of this district is to allow small commercial areas to serve principally residential neighborhoods. Intensive commercial uses that generate large volumes of traffic or that have other characteristics that would adversely affect the quality of surrounding residential areas are not appropriate in the Neighborhood Commercial District.

### 6.01 Permitted Uses

Permitted Use	Applicable Standards
Eating establishment	12.02, 12.04, 12.05, 12.06, 12.11
Food stores: retail bakers; meat, fish, fruit and vegetable markets	12.02, 12.04, 12.05, 12.06, 12.11
Medical and dental offices	12.02, 12.04, 12.05, 12.06, 12.11
Public parks and trails	12.02, 12.04, 12.06
Place of Worship	12.02, 12.04, 12.06, 12.11
Personal services: beauty salons; barber shops; laundry services; photo studios	12.02, 12.04, 12.05, 12.06, 12.11
Neighborhood utility facility	12.02, 12.04, 12.05, 12.06, 12.11
Fence	12.08
Accessory use and buildings (i.e. garage, shed)	12.03 (see definition)

(Amended: Ordinance No. 694, Adopted 10/6/2020)

## 6.02 Conditional Uses

Conditional Use	Applicable Standards
Banks/depository financial institutions	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Day care center	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Eating establishment with alcoholic beverage sales	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Located at least 1,000 feet from a school*
Public service facility	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Wind energy conversion system	12.02, 12.06, 12.15, 19.01

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

## 6.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).

Minimum Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
10,000 sq. ft.	100 feet	25 feet see #1, #2, #3	15 feet see #3	30 feet	35 feet

### Exceptions

- #1 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #2 One required front yard may be reduced to 20 feet on corner lots. The street upon which the property is addressed must have a front yard setback of 25 feet.
- #3 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.

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# 7

## CC: COMMUNITY COMMERCIAL DISTRICT

The purpose of this district is to provide for commercial development that offers a broad range of goods and services to meet the convenience and comparison shopping needs of residents. An effort should be made to achieve design compatibility between adjoining commercial uses.

### 7.01 Permitted Uses

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Motor vehicle sales, excluding on-site service or repair facility</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Motor vehicle parts sales</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Building materials, home and garden supply stores: hardware stores; nurseries and garden supply stores</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Domestic animal sales and service: grooming; retail sales</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Eating establishment</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Food stores: grocery stores; retail bakers, meat, fish and vegetable markets; miscellaneous food stores</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>General merchandise stores</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Business services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Engineering, management, public administration and related offices and services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Gasoline service stations</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Medical and dental offices</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Miscellaneous repair services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Personal services: beauty shops; barber shops; laundry services, includes dry cleaning and pressing; photo studios</b>	12.02, 12.04, 12.05, 12.06, 12.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Place of Worship</b>	12.02, 12.04, 12.06, 12.11
<b>Real estate, insurance agents, brokers and services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Transportation services: travel agencies</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Day care center</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Public parks and trails</b>	12.02, 12.04, 12.06
<b>Neighborhood utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Fence</b>	12.08
<b>Accessory use and buildings (i.e. garage, shed)</b>	12.03 (see definition)

(Amended: Ordinance No. 694, Adopted 10/6/2020)

## 7.02 Conditional Uses

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Motor vehicle, camper sales with on-site service or repair facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Convenience stores</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Domestic animal sales and services: clinics/hospitals</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Food stores: supermarkets</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Kennels</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Liquor stores</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Amusement/recreational services: dance/art studios; miscellaneous amusement services</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Auto repairs (within completely enclosed building)</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Banks/depository institutions</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Bars</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Eating establishment with alcoholic beverage sales</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Funeral home/chapel</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Hotels and other lodging places: bed and breakfast inns, hotels or motels, rooming and boarding houses</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Massage establishments</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Medical and dental clinics</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Membership organizations, clubs and lodges</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Non-depository institutions, for example, check cashing</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Personal services</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Adult oriented business</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 & SDCL 11-12
<b>Colleges, universities, vocational schools</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Congregate care facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Recovery facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Special trade contractors: carpentry; electrical, plumbing, heating, air conditioning</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Artisan Distillery</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Residential (on or above the second floor)</b>	12.02, 12.04, 12.06, 12.11, 19.01
<b>Planned unit development</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Public utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Public service facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Wind energy conversion system</b>	12.02, 12.06, 12.15, 19.01
<b>Telecommunications tower</b>	12.02, 12.04, 12.05, 12.06, 12.09, 12.11, 19.01

Conditional Use	Applicable Standards
Mini-warehouse	<p>12.02, 12.04, 12.05, 12.06, 12.11, 19.01</p> <p>The overhead doors shall be oriented to the interior of the site or screened from street view with a six foot barrier such as a fence or hedge. Perimeter walls shall be designed with physical breaks, facade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall.</p> <p>A landscape buffer and screening strip shall be provided within each side and rear setback of the building envelope. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six foot high visual buffer.</p> <p>No outdoor storage is allowed.</p> <p>The maximum structural coverage is forty percent of the total lot area.</p>

*(Amended: Ordinance No. 680, Adopted 12/3/2019)*

### 7.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).

Minimum Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
10,000 sq. ft.	100 feet	25 feet see #1, #2	15 feet see #2	20 feet	45 feet

#### Exceptions

- #1 There shall be a required front yard on each street side of a double-frontage lot, except if one of the street sides is an interstate highway in which case that side shall be considered a rear yard. There shall be a required front yard on each street side of a corner lot.
- #2 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.

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# 8

## RC: REGIONAL COMMERCIAL DISTRICT

The purpose of this district is to provide for commercial development that offers a diversity of retail, service, entertainment, office, finance and related business uses to serve the needs of the residents of the City and regional trade area. The Regional Commercial District is intended to be the City's most intensive, vehicle-oriented commercial district. Regional commercial uses should be served by or have access to major or minor thoroughfares and uses should be buffered from or located away from residential uses.

### 8.01 Permitted Uses

<b>Permitted Use</b>	<b>Applicable Standards</b>
Automotive, boat, camper sales	12.02, 12.04, 12.05, 12.06, 12.11
Building materials, home and garden supply stores	12.02, 12.04, 12.05, 12.06, 12.11
Convenience stores	12.02, 12.04, 12.05, 12.06, 12.11
Domestic animal sales and services: clinics/hospitals; grooming; retail sales	12.02, 12.04, 12.05, 12.06, 12.11
Food stores: grocery stores/supermarkets; retail bakers, meat, fish and fruit vegetable markets; miscellaneous food stores	12.02, 12.04, 12.05, 12.06, 12.11
General merchandise stores	12.02, 12.04, 12.05, 12.06, 12.11
Miscellaneous retail stores	12.02, 12.04, 12.05, 12.06, 12.11
Amusement/recreational services: concert, orchestra, movie or theatrical halls/auditoriums; dance/art studios, schools and halls	12.02, 12.04, 12.05, 12.06, 12.11
Banks, depository institutions	12.02, 12.04, 12.05, 12.06, 12.11
Business services	12.02, 12.04, 12.05, 12.06, 12.11
Eating establishments	12.02, 12.04, 12.05, 12.06, 12.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Engineering, management, public administration and related offices and services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Hotel/motel</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Medical and dental offices and clinics</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Membership organizations, clubs and lodges</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Non-depository institutions, for example, check cashing</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Miscellaneous repair services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Personal services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Place of Worship</b>	12.02, 12.04, 12.06, 12.11
<b>Real estate, insurance agents, brokers and services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Colleges, universities, vocational schools</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Day Care Center</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Public parks and trails</b>	12.02, 12.04, 12.06
<b>Printing and publishing</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Gasoline service stations</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Residential (on or above the second floor)</b>	12.02, 12.04, 12.06, 12.11
<b>Neighborhood utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Fence</b>	12.08
<b>Accessory use and buildings (i.e. garage, shed)</b>	12.03 <i>(see definition)</i>

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*



## 8.02 Conditional Uses

Conditional Use	Applicable Standards
<b>Domestic animal sales and services: boarding</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Kennels</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Liquor stores</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Amusement/recreational services: commercial sports; miscellaneous amusement services</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Auto repairs (within completely enclosed buildings)</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Bars</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Eating establishment with alcoholic beverage sales</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Funeral home/chapel</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Massage establishments</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Civic, public and semipublic uses</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Congregate care</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Correctional and rehabilitation facilities</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Hospitals</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Recovery facilities</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Recycling facilities</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Special trade contractors: carpentry; electrical, plumbing, heating, air conditioning</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Residential uses as part of a mixed-use development</b>	12.02, 12.04, 12.06, 12.11, 19.01
<b>Public utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Public service facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Wind energy conversion system</b>	12.02, 12.06, 12.15, 19.01
<b>Telecommunications tower</b>	12.02, 12.04, 12.05, 12.06, 12.11, 12.09, 19.01

Conditional Use	Applicable Standards
<b>Mini-warehouse</b>	<p>12.02, 12.04, 12.05, 12.06, 12.11, 19.01</p> <p>The overhead doors shall be oriented to the interior of the site or screened from street view with a six foot barrier such as a fence or hedge. Perimeter walls shall be designed with physical breaks, facade material changes or other architectural details and features (not just paint) intended to mimic the style of a retail structure as opposed to a continuous, visually monotonous warehouse wall.</p> <p>A landscape buffer and screening strip shall be provided within each side and rear setback of the building envelope. Said buffer and screening strip shall consist of any combination of berming, fencing and vegetation which will provide a six foot high visual buffer.</p> <p>No outdoor storage is allowed.</p> <p>The maximum structural coverage is forty percent of the total lot area.</p>

### 8.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).

Minimum Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
10,000 sq. ft.	150 feet	30 feet see #1, #3	20 feet see #3	20 feet	45 feet see #2

#### Exceptions

- #1 There shall be a required front yard on each street side of a double-frontage lot, except if one of the street sides is an interstate highway in which case that side shall be considered a rear yard. There shall be a required front yard on each street side of a corner lot.
- #2 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet. (See 19.01)
- #3 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.

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# 9

## CB: CENTRAL BUSINESS DISTRICT

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

### 9.01 Permitted Uses

Permitted Use	Applicable Standards
Building materials, home and garden supply stores	12.02, 12.04, 12.05, 12.06, 12.11
Convenience stores	12.02, 12.04, 12.05, 12.06, 12.11
Food stores: grocery stores/ supermarkets; retail bakers; meat, fish, fruit and vegetable markets; miscellaneous food stores	12.02, 12.04, 12.05, 12.06, 12.11
Furniture and home furnishings stores	12.02, 12.04, 12.05, 12.06, 12.11
General merchandise stores	12.02, 12.04, 12.05, 12.06, 12.11
Miscellaneous retail stores	12.02, 12.04, 12.05, 12.06, 12.11
Specialty retail stores	12.02, 12.04, 12.05, 12.06, 12.11
Amusement/recreational services: concert, orchestra, movie or theatrical halls/auditoriums; dance/art studios, schools and halls	12.02, 12.04, 12.05, 12.06, 12.11
Banks/depository institutions	12.02, 12.04, 12.05, 12.06, 12.11
Business services	12.02, 12.04, 12.05, 12.06, 12.11
Eating establishments	12.02, 12.04, 12.05, 12.06, 12.11
Engineering, management, public administration and related offices and services	12.02, 12.04, 12.05, 12.06, 12.11
Medical, dental offices and clinics	12.02, 12.04, 12.05, 12.06, 12.11
Miscellaneous repair services	12.02, 12.04, 12.05, 12.06, 12.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Personal services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Place of Worship</b>	12.02, 12.04, 12.06, 12.11
<b>Real estate, insurance agents, brokers and services</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Neighborhood utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Fence</b>	12.08
<b>Accessory use and buildings (i.e. garage, shed)</b>	12.03 <i>(see definition)</i>

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*

## **9.02 Conditional Uses**

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Auto repair (within completely enclosed building)</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Bars</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Eating establishment with alcoholic beverage sales</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Located at least 1,000 feet from a school*
<b>Funeral home/chapel</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Gasoline service stations</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Hotels and other lodging places: bed and breakfast inns; hotels or motels; rooming and boarding houses</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Massage establishments</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Membership organizations, clubs and lodges</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Non-depository institutions, for example, check cashing</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Congregate care</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Hospitals</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Colleges, universities, vocational schools</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Community centers</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Day care center</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Artisan Distillery</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Government services</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Museum and cultural centers</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Specialty trade contractors: carpentry; electrical, plumbing, heating, air conditioning</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Dwellings (limited to floors above or below the first or ground floor of the building)</b> <i>(Amended: Ordinance No. 579, 7- 17-12)</i>	12.02, 12.04, 12.06, 12.11, 19.01
<b>Public utility facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Public service facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Wind energy conversion system</b>	12.02, 12.06, 12.15, 19.01

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

*(Amended: Ordinance No. 680, Adopted 12/3/2019)*

### **9.03 Lot and Yard Regulations**

All measurements shall be taken from the lot line to the building line (see definitions).

<b>Minimum Lot Area (sq. ft.)</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>
10,000 sq. ft.	22 ft	Varies see #1, #2, #3	None see #2, #3	Varies see #1	None

#### **Exceptions**

- #1 The average front and rear yard setback existing on each street shall apply.
- #2 No storage units shall be allowed on or abutting Main Avenue. Setbacks on front and side yards abutting streets shall be 7 feet off the property line.
- #3 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and

Non-Standard Uses (Chapter 14) for other specific exceptions.

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# 10

## LI: LIGHT INDUSTRIAL DISTRICT

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

### 10.01 Permitted Uses

Permitted Use	Applicable Standards
Wholesale trade	12.02, 12.04, 12.05, 12.06, 12.11
Light manufacturing	12.02, 12.04, 12.05, 12.06, 12.11
Contractor's shop/storage yard	12.02, 12.04, 12.05, 12.06, 12.11 Subject to screening of all outdoor storage from view.
Office	12.02, 12.04, 12.05, 12.06, 12.11
Public utility facility	12.02, 12.04, 12.05, 12.06, 12.11
Frozen food locker	12.02, 12.04, 12.05, 12.06, 12.11
Wireless communication facility on existing support structure	12.09, 12.02, 12.04, 12.05, 12.06, 12.11
Printing plant	12.02, 12.04, 12.05, 12.06, 12.11
Motor vehicle service station	12.02, 12.04, 12.05, 12.06, 12.11
Electrical substation	12.02, 12.11 Opaque screen, six feet in height, shall be located as far back as all setback lines.
Warehouse, mini-warehouse	12.02, 12.04, 12.05, 12.06, 12.11 The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.
Lumberyard	12.02, 12.04, 12.05, 12.06, 12.11
Retail trade or service	12.02, 12.04, 12.05, 12.06, 12.11 Only when it is an accessory use when in conjunction with the primary use of wholesaling or manufacturing.
Truck or bus wash	12.02, 12.04, 12.05, 12.06, 12.11 All water from the truck or bus wash being contained on the site.
Place of Worship	12.02, 12.04, 12.06, 12.11

<b>Permitted Use</b>	<b>Applicable Standards</b>
<b>Farm store or feed store</b>	12.02, 12.04, 12.05, 12.06, 12.11 Only accessory storage of fertilizer or farm chemicals on the site.
<b>Farm implement sales, display, and service</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Public service facility</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Accessory use or building (i.e. garage, shed)</b>	12.03 <i>(see definition)</i>
<b>Fence</b>	12.08

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*

## **10.02 Conditional Uses**

<b>Conditional Use</b>	<b>Applicable Standards</b>
<b>Telecommunications tower</b>	12.02, 12.04, 12.05, 12.06, 12.09, 12.11, 19.01
<b>Off-premise sign</b>	12.02, 12.07, 19.01
<b>Bus/truck terminal</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Recycling collection or processing facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Screening of all recyclable material from view.
<b>Motor vehicle storage yard</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Screening of the storage yard with fence, berm, vegetation or placement on the lot.
<b>Broadcast tower</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Located at least 300 feet from a residential district.
<b>Wind energy conversion system</b>	12.02, 12.04, 12.05, 12.06, 12.11, 12.15, 19.01
<b>Municipally owned waste water treatment facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01



### 10.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	10,000 sq. ft.	75 feet	25 feet see #4, #5	10 feet see #2, #5	5 feet see #3	45 feet see #1

#### Exceptions

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet. (see 19.01)
- #2 A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #5 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.
- #6 Waste water treatment facilities are exempt from minimum yard or set back requirements.

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# 11

## HI: HEAVY INDUSTRIAL DISTRICT

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

### 11.01 Permitted Uses

Permitted Use	Applicable Standards
Wholesale trade	12.02, 12.04, 12.05, 12.06, 12.11
General manufacturing other than those listed below	12.02, 12.04, 12.05, 12.06, 12.11
Farm store or feed store	12.02, 12.04, 12.05, 12.06, 12.11
Contractor's shop/storage yard	12.02, 12.04, 12.05, 12.06, 12.11
Public utility facility	12.02, 12.04, 12.05, 12.06, 12.11
Frozen food locker	12.02, 12.04, 12.05, 12.06, 12.11
Wireless communication facility on existing support structure	12.09, 12.02, 12.04, 12.06, 12.11
Electrical substation	12.02, 12.11
Retail trade or service	12.02, 12.04, 12.05, 12.06, 12.11 The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.
A warehouse or mini-warehouse	12.02, 12.04, 12.05, 12.06, 12.11
Bus and truck wash	12.02, 12.04, 12.05, 12.06, 12.11 All water from the truck or bus wash being contained on the site.
Fruit and vegetable canning and processing	12.02, 12.04, 12.05, 12.06, 12.11
Public service facility	12.02, 12.04, 12.05, 12.06, 12.11

Permitted Use	Applicable Standards
Motor vehicle repair shop	12.02, 12.04, 12.05, 12.06, 12.11 An adequate number of parking spots to store the cars and screen parts and materials from view.
Place of Worship	12.02, 12.04, 12.06, 12.11
Airport	12.02, 12.04, 12.05, 12.06, 12.11
Accessory use or building (i.e. garage, shed)	12.03 (see definition)
Fence	12.08

(Amended: Ordinance No. 694, Adopted 10/6/2020)

## 11.02 Conditional Uses

Conditional Use	Applicable Standards
Bus/truck terminal	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Telecommunications tower	12.02, 12.04, 12.06, 12.09, 12.11, 19.01
Off-premise signs	12.02, 12.07, 19.01
Recycling collection facility	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height.
Manufacture of: acid, alcohol, ammonia, asphalt, bleach, cement, chlorine, dyestuffs, explosives, fertilizer, glue, gypsum, lime, oils, paint, plaster or paris, shellac, sizing, turpentine or yeast	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Stockyards/slaughtering of animals	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Rendering	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Distillation of products	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
Paper manufacturing Smelting Boilerworks	12.02, 12.04, 12.05, 12.06, 12.11, 19.01

Conditional Use	Applicable Standards
<b>Tank farm; petroleum products terminal</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Grain terminal; grain processing</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01
<b>Salvage yard</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Being sited off the main thoroughfares of the City, ½ mile from a residential district and be screened from view; the owner shall agree to control rodents as a condition of the permit.
<b>Manufacture and storage of electric transformers</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Chemicals associated with the transformers will be contained in an acceptable manner.
<b>Quarry</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Subject to the site being located at least 1,000 feet from commercial or residential properties.
<b>Motor vehicle storage yard</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Screening of the storage yard with fence, berm, vegetation or placement on the lot.
<b>Recycling processing facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Any outdoor storage of recyclable materials must be within an opaque screened area at least six feet in height and all processing operations must be fully enclosed.
<b>Broadcast tower</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Being located at least 300 feet from a residential district.
<b>Solid waste transfer facility</b>	12.02, 12.04, 12.05, 12.06, 12.11, 19.01 Screening of the storage area with fence, berm, vegetation or placement on the lot.
<b>Wind energy conversion system</b>	12.02, 12.04, 12.05, 12.06, 12.11, 12.15, 19.01
<b>Refining</b>	12.02, 12.04, 12.05, 12.06, 12.11
<b>Mining</b>	12.02, 12.04, 12.05, 12.06, 12.11

### 11.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions).

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	10,000 sq. ft.	NA	25 feet see #4, #5	5 feet see #2, #5	5 feet see #3	55 feet see #1

#### Exceptions

- #1 A conditional use permit will be required for any structure having a maximum height exceeding 55 feet. (See 19.01)
- #2 A side yard of 20 feet shall be required where a lot is adjacent to or abuts a residential district.
- #3 A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
- #4 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #5 See also Adjustment to Yard Regulations (Chapter 13) and Non-Conforming and Non-Standard Uses (Chapter 14) for other specific exceptions.

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# 12

## ADDITIONAL USE REGULATIONS

### 12.01 Reserved

### 12.02 Visibility at Intersections and Driveways

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

**Figure 1**



## 12.03 Accessory Buildings and Uses

### A. In General.

1. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building.
2. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
3. No accessory building may be placed within drainageways and/or on drainage easements.
4. Accessory buildings may not be used for dwelling purposes.
5. A placement permit is required for accessory buildings under 120 square feet and a building permit is required for accessory buildings over 120 square feet.

### B. Accessory Buildings.

1. Except in NRC: Natural Resource Conservation District, no accessory buildings shall be erected or located within any front yard or any required yard, other than the rear yard.
2. Accessory buildings, including, but not limited to, garages, shall not exceed fifteen (15) feet in height as measured from the mean ground level to the highest point of the roof.
3. Accessory buildings 120 square feet or under must be 5 feet or more from all property lines and accessory buildings over 120 square feet must be 10 feet or more from all property lines.
4. The distance between all buildings must be at least 5 feet.
5. Only two accessory buildings shall be permitted per lot.
6. No individual accessory building shall exceed a maximum of 1,000 square feet or 30% of the rear yard, whichever is less.
7. If two accessory buildings are constructed, one must be no larger than 150 square feet.
8. The roofing and siding materials of accessory buildings larger than 150 square feet, except greenhouses, must be of like kind to the principal structure.

9. Any accessory building which is entered directly from an alley shall not be closer than 15 feet to the property line abutting the alley.
10. Accessory buildings not meeting these requirements shall be allowed only as a conditional use.

*(Amended: Ordinance No. 656, Adopted 12/18/2018)*

## **12.04 Off-Street Parking**

- A. Definitions – For the purpose of this Section, the following terms are hereby defined
  1. Vehicle: Any vehicle which is designed to travel along the ground or in the water and shall include but not be limited to automobiles, vans, buses, motorbikes, trucks, trailers, go carts, golf carts, boats, ATV's, snowmobiles, and campers.
  2. Hard Surface Pad: Asphalt, Concrete or Concrete Pavers that meet or exceed the gross area of the motor vehicle that is parked upon it. An appropriate base course consisting of clean graded sand, gravel or crushed stone shall be compacted to assure uniform support of the slab. All pavers will be laid as to not allow vegetation growth underneath the motor vehicle.
  3. Required Parking Spaces: The required number of parking spaces per Hartford Zoning Ordinance 627, Section 12.04(C).
  4. Driveway Approaches: An area, Between the curb or pavement edge of a public street and the private property line intended to provide access for vehicles from a public street to a driveway on private property.
  5. Driveway Aisles: An access road leading from a public street to one or more structures or buildings upon private property.
  6. New Driveway: A driveway aisle that has never existed before in a particular place.
  7. Existing Driveway: A driveway aisle that is now in existence or being used at the present time.
  8. Existing Sidewalk: A sidewalk that is now in existence or being used at the present time.

*(Amended: Ordinance No. 687, Adopted 7/17/2020)*

- B. General Conditions – Applied to all Vehicles



1. No parking spaces are permitted in the required front yard in an R or MH District except for portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this Ordinance. Parking is permitted in a side yard or rear yard in an R District upon hard surface pads.
2. The width of driveway(s) within the city boulevard on properties with no sidewalks shall not exceed thirty-six (36) feet in width. The width of driveway(s) within the city boulevard on properties with sidewalks shall not exceed thirty-six (36) feet in width from the back of the curb or hard surface street to the boulevard sidewalk. An exception for a 40' feet driveways shall be allowed for commercial properties expecting semi-truck traffic. The design of the driveway flare, within the driveway approach, is optional but cannot exceed 6 feet over the width of the driveway. All new driveways must include a poured sidewalk. Repairs or replacement of existing driveways are exempt from including a poured sidewalk within the driveway, unless the property already has an existing sidewalk on either side that abuts the driveway.
3. Access approaches shall be prohibited on arterial and collector streets from the rear yard of a reverse frontage lot in a residential area.
4. All parking areas in the side and rear yard shall have a hard surfaced pad.
5. All access aisles driveways must be concrete or asphalt, no concrete pavers are allowed. An access aisle to a side yard accessory building or parking pad is required. An access aisle to a rear yard accessory building or parking pad is optional.
6. The parking requirements in this section shall not be applicable to property in the CB Central Business District, except for residential uses which are authorized by a conditional use permit.
7. Unless a conditional use permit is received from the Planning and Zoning Board, all Commercial and Industrial Zoned Property must have either concrete or asphalt surfaces, no concrete pavers, on all required parking spaces and all driveway approaches and driveway aisles from the public street to the front of each building with vehicle or pedestrian access. All other parking or maneuvering surfaces may be concrete, crushed concrete, asphalt or crushed asphalt. No parking upon grass or dirt surfaces.
8. The parking of commercial vehicles is permitted in a NRC or R Zoning District, subject to a limit of two commercial vehicles per dwelling unit and the following limitations:
  - a. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, cement-mixer truck, wrecker with a gross weight of

18,000 pounds or more or similar such vehicles or equipment shall be parked in any residential district.

- b. Any commercial vehicle parked in a NRC or R Zoning District shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
9. A conditional use permit will be required for the parking of more than two commercial vehicles per dwelling unit.
  10. The Zoning Administrator may approve a temporary parking permit, not to exceed 30 days, for special circumstances. An application must be submitted to the Business Office for review and approved by the Zoning Administrator. The applicant must comply with all rules and regulations set forth by the Zoning Administrator.

*(Amended: Ordinance No. 643, Adopted 5/16/2017; Ordinance No. 687, Adopted 7/17/2020; Ordinance No. 698, Adopted 1/19/2021)*

**C. Required Parking Spaces**

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

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

USES & STRUCTURES	MINIMUM PARKING REQUIREMENTS
<b>Single-family and two-family dwellings</b>	Two (2) spaces for each dwelling unit.
<b>Multiple-family dwellings</b>	One and one-half (1 ½) spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
<b>Rooming and boarding houses, sororities and fraternities</b>	One (1) parking space for each two hundred (200) square feet of floor area (one space per two beds).
<b>Bowling alleys</b>	Four (4) spaces per lane.
<b>Church or Temple</b>	One (1) space for each 4 seats in main setting area.
<b>Private club or lodge</b>	One (1) parking space for each three hundred (300) square feet of floor area.

USES & STRUCTURES	MINIMUM PARKING REQUIREMENTS
<b>High School</b>	Four (4) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Elementary School &amp; Middle School</b>	Two (2) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Eating and Drinking Places</b>	One (1) space for each three hundred (300) square feet of gross floor area.
<b>Hospitals</b>	One (1) space for each bed.
<b>Nursing, convalescent and rest homes</b>	One (1) space for each three beds.
<b>Auditoriums, theaters and places of public assembly</b>	One (1) space for each 4 seats of design capacity.
<b>Hotels and Motels</b>	One (1) space for each two (2) rental rooms.
<b>Funeral homes</b>	One (1) space for each four (4) seats in the chapel.
<b>Retail sales establishments</b>	One (1) space for each three hundred (300) square feet of floor area.
<b>Medical and dental clinics</b>	One (1) space for each two (2) staff members and full-time employees, plus one (1) space for each six hundred (600) square feet of gross floor area.
<b>Manufactured home parks</b>	Two (2) spaces for each manufactured home lot.
<b>Industrial uses</b>	One (1) space for each two (2) employees on the maximum working shift.
<b>Service establishments</b>	One (1) space for each three hundred (300) square feet of floor area.
<b>Wholesale and distribution establishments</b>	One (1) space for each two (2) employees on the maximum working shift.
<b>Day care center</b>	One (1) space for each employee on the maximum working shift, plus one (1) space for each ten (1) persons the facility is licensed to enroll. Additional parking or designated area for drop-off and pick-up may be required.

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

## 12.05 Off-Street Loading Requirements

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

Use	Gross square feet floor area	Number of off-street loading spaces
Office Buildings	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space
Retail, Service and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space Two 14' x 35' spaces Add one 14' x 35' space

## 12.06 On-Premise Signs

Districts	Permitted Signs	Sign Area	Sign Height
NRC, R, MH for specified uses only* **	freestanding	50 square feet	6 feet above grade
R, MH	wall	3 square feet	on wall only
CB**	freestanding and projecting ***** wall and roof	freestanding and projecting: 1 sq ft per 1 foot of lineal street frontage. Wall and roof: 2 sq ft per 1 foot of lineal street frontage. Maximum for all: 500 sq ft	Wall: on wall only. Roof and projecting: 5 feet above roof line. Freestanding: 18 feet above grade.
NC, CC, RC**	freestanding and projecting ***** wall and roof	freestanding and projecting: 1 sq ft per 1 foot of lineal street frontage. Wall and roof: 2 sq ft per 1 foot of lineal street frontage. Maximum for all: 500 sq ft.	Wall: on wall only. Roof and projecting: 5 feet above roof line. Freestanding: 30 feet above grade.
LI**	freestanding, wall, roof and projecting	freestanding and projecting: 1 sq ft per 1 foot of lineal street frontage. Wall and roof: 2 sq ft per 1 foot of lineal street frontage. Maximum for all: 500 sq ft.	Freestanding: 20 feet above grade. Wall: on wall only. Roof and Projecting: 5 ft above roof line.
HI**	freestanding, wall, roof and projecting	freestanding and projecting: 1 sq ft per 1 foot of lineal street frontage. Wall and roof: 2 sq ft per 1 foot of lineal street frontage. Maximum for all: 500 sq ft.	Freestanding: 20 feet above grade. Wall: on wall only. Roof and Projecting: 5 feet above roof line.

\* specified uses are listed within the district's applicable standards tables

\*\* signs located along Interstate Highways shall meet DOT specifications.

In CC, RC, LI and HI zoned districts, on-premise signs along the Interstate Corridor may exceed the maximum sign height as stated above to allow a sign 40 feet above the road grade of the interstate.

*(Amended: Ordinance No. 705, Adopted 3/16/2021)*

## **12.07 Off-Premise Signs**

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

- A. Off-premise signs will be allowed a maximum size of 288 square feet.
- B. Signs will be allowed a maximum height of 40 feet; and a minimum height of 12 feet.
- C. There will be a minimum setback for the sign face of 10 feet and a minimum setback for the sign structure of 22 feet.
- D. Signs located along Interstate Highways shall meet DOT specifications.
- E. On corner lots, no sign shall be located less than 30 feet from the intersection of the street right-of-way lines at the corner.
- F. No sign may encroach in any manner, including overhang, the street or highway right-of-way.
- G. Off-premise signs shall have no more than 1 structural support or pole.
- H. Off-premise signs shall not be located less than 500 feet from any other off-premise sign or a residential district.
- I. No sign may be lighted so it impairs the vision of any motor vehicle driver.
- J. No sign may imitate or resemble an official traffic control sign, signal or device.
- K. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- L. No sign shall include flashing, intermittent or moving lights, except those providing public service information such as time, date, temperature, weather, or news.

## 12.08 Fences

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

- A. No fence shall be erected or substantially altered without securing a placement permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height and exact location of the fence.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all districts. No barbed wire fence shall be erected or maintained except in NRC or HI districts. Within HI districts, a fence can only be topped with barbed wire beginning at a height of at least six (6) feet above grade.
- C. Within all districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials must secure a conditional use permit from the Planning and Zoning Board.
- D. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- E. For R, MH, NC or CB District - Fences may be erected or maintained; provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than six (6) feet in height may be allowed in the second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of six (6) feet.
- F. For CC and RC District - Fences may be erected or maintained; provided that no fence over four (4) feet shall be erected or maintained in any required front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than eight (8) feet in height may be allowed in a second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of eight (8) feet.
- G. For LI and HI District - Fences may be erected in front, side and rear yards. In no case shall fences exceed a height of eight (8) feet
- H. No fence shall be erected which violates *12.02 - Visibility at Intersections*.
- I. There is no maximum fence height for public golf courses, public swimming pools, school track and field areas, parks, ball parks and public tennis courts on any

portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.

- J. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- K. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located – the city can assist with this but cannot guarantee the location of your lot lines. If there is any doubt, a survey is recommended.
- L. The height of fences shall be determined as measured from the highest grade elevation on either side of the fence wall to the top of the fence.
- M. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- N. No fences may be built within drainageways and/or on drainage easements.

*(Amended: Ordinance No. 683, Adopted 1/7/2020)*

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

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

- A. A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
- B. A minimum distance of ½ mile between telecommunications towers measured from the base of one telecommunications tower to the base of another except when an existing antenna support structure is used to co-locate a wireless communication facility.

- C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
- D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

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

- A. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved products.
- B. All single-family dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- C. The primary roof line must have a minimum of a four/twelve (4/12) pitch. This is not applicable to re-roofing or additions to existing structures.
- D. Roofs shall be covered with shingles or tiles or a standing seam metal roof. Standing seam metal roofs shall utilize earthtone colors (i.e. blacks, browns, greens, tans, beiges and grays). Any metal roof that has exposed fasteners, semi-concealed fasteners on a façade, or any fastener system that does not adhere directly to the support system is prohibited. Corrugated sheet metal or corrugated fiberglass roofing is not permitted.
- E. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
- F. The exterior walls shall be similar in appearance to normal wood or masonry residential construction. Any metal siding shall have a vertical dimension no greater than twelve (12) inches. Corrugated sheet metal is not permitted.
- G. No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation as defined in these regulations, excepting manufactured homes placed in an approved MH district. The Zoning Administrator or his or her designee shall inspect and authorize all dwellings moved into the City of Hartford. For the purposes of these regulations, manufactured housing shall be allowed only in the MH Manufactured Housing Residential District.



## 12.11 Landscaping Standards

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

- A. Within any zoning district, at least 90 percent of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 12.04).
- B. Within NC, CC, RC, CB, LI, and HI districts, one tree per 50 feet of lot width is required. No more than 50 percent of the trees may be planted in the street right-of-way. No more than 25 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
- C. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
- D. The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod, seed, or other living ground cover. Only deciduous shade trees may be planted in the street right-of-way.
- E. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4 inch caliper. Berms or other landscaping techniques may be used for all or part of the six foot screening if they have a maximum grade of three feet horizontal to one-foot vertical and sodded or planted with other acceptable living ground cover.
- F. Screening: A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six foot screening if they have a maximum grade of three feet horizontal to one-foot vertical and sodded or planted with other acceptable living ground cover.
- G. Parking Lot Buffer Areas: A setback of at least eight (8) feet shall be provided between a parking lot and residentially zoned property.

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

- H. Lighting Standards: When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

1. The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).
2. The maximum height of light luminaries shall be 25 feet above the ground.
3. Canopy luminaries and other on-site lighting with luminaries greater than 2,000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
4. The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Luminaries Lamp wattage}} = \text{Maximum No. of}$$

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

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

## 12.12 Home Occupations

- A. Criteria and Standards. All home occupations shall meet the following criteria and standards:
  1. The occupation must be conducted within a dwelling unit. The use shall be conducted entirely within the dwelling unit.
  2. The area set aside for a home occupation shall not exceed 20% of the total floor area of the residence, including garages. The permissible floor area includes that space necessary for storage of goods or products associated with the home occupation.
  3. The operation of the home occupation shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the residential area in which the home occupation is conducted.
  4. Merchandise offered for sale shall be clearly incidental to the home occupation provided however, that, orders may be taken for later delivery off the premises.

5. On-premises advertising shall be limited to 1 nonilluminated sign not exceeding 3 square foot. The legend shall show only the name of the occupant and type of occupation and shall be neutral in color.
6. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling.
7. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted material shall be stored on site.
8. No activity shall be conducted which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, smoke, dust, odor, glare, vibration or heat noticeable beyond the premises.

## **12.13 Manufactured Home Requirements**

### **A. Type I Manufactured Home Requirements**

1. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run.
2. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.
3. A wood or masonry foundation shall form a complete enclosure under the exterior walls. A minimum of 7 square feet per manufactured home space of wind resistant structure area shall be provided and installed according to Article 11-80 of Chapter 11 Building Guidelines for Manufactured Housing Installations.
4. The use of flat or corrugated sheet metal for the exterior walls is prohibited.
5. The manufactured home shall meet or exceed the International Building Code or Uniform Building Code Manufactured Home Construction and Safety Standards.
6. The manufactured home shall have 42 inch frost-free footings in zoning districts other than R-3.

### **B. Type II Manufactured Home Requirements**

1. Manufactured homes can be of single or multiple sections
2. Provided with skirting of material which is not highly combustible and installed around the perimeter of the mobile home from the bottom of the

manufactured home to the ground.

3. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design.
4. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.
5. A minimum of 7 square feet per manufactured home space of wind resistant structure area shall be provided and installed according to Article 11-80 of Chapter 11 Building Code Guidelines for Manufactured Housing Installations.

### **12.14 Bed and Breakfast Establishments**

- A. Bed and Breakfast establishments shall be limited to a residential structure.
- B. They shall be in compliance with applicable state laws including South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
- C. Such uses shall be an incidental use with an owner-occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
- D. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.
- E. The length of stay shall not exceed 14 days during any 120 day consecutive period.
- F. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

### **12.15 Wind Energy Conversion Systems (WECS)**

- A. General. Wind energy conversion systems shall be allowed as conditional uses in certain zoning districts. In addition to the standards set forth in Chapter 19 regarding all conditional uses, all wind energy conversion systems shall also meet all requirements of Section 12.15 herein.
- B. Setbacks. WECS shall be set back a distance equal to no less than 1.1 times the total height of the structure between the base of the WECS and the nearest property line.
- C. Tower height. In no event shall the height of a wind energy conversion system

exceed 55 feet in a NRC, R, MH, NC or CB District or 150 feet in a CC, RC, LI or HI District as measured from the ground to the rotor hub.

- D. Rotor clearance. Blade-arcs created by the WECS shall have a minimum of twenty (20) feet of clearance over any structure or tree. WECS attached to principal or accessory structures are exempt from this requirement.
- E. Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind or in conditions of imbalance.
- F. Noise. No wind energy conversion system shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the wind energy conversion system shall be submitted at the time of the submittal of the conditional use application, ensuring that this requirement can be met once the system is operational.
- G. Electromagnetic interference. WECS shall be designed and constructed so as not to cause interference with radios, televisions or other electronic devices.
- H. Access. Appropriate safety measures must be undertaken to discourage unauthorized climbing of a wind energy conversion system tower.
  - 1. The tower shall not be climbable for a height of eight (8) feet above the ground unless the applicant proves it would not be a public hazard.
  - 2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.
- I. Warning information. Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the wind energy conversion system shall be posted near the base of the tower in a visible location.
- J. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by the FAA or other State or Federal agency.
- K. Manufacturer warranty/maintenance information. Upon application for a conditional use for a wind energy conversion system, the petitioner shall submit a manufacturer's statement documenting that the system has been successfully and safely operated in atmospheric conditions that are similar to conditions in Hartford.
- L. Construction standards. Any wind energy conversion system shall be constructed in accordance with all applicable life, safety, building and fire codes including but

not limited to the following:

1. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the City Building Code especially with regards to wind and icing loads. Drawings and engineering calculations shall be certified by a registered structural engineer.
2. Roof-mounted WECS shall include detailed plans illustrating roof construction, mounting techniques and wind load capacity.
3. Lightning Protection. Any wind energy conversion system shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.
4. All WECS shall conform to applicable industry standards, as well as local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories or an equivalent third party.

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# 13

## ADJUSTMENTS TO YARD REGULATIONS

### 13.01 Adjustment to Front Yard Requirements

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

### 13.02 Adjustment to Side Yard Requirements

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

### 13.03 Projection From Buildings

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

- A. Eaves may project into a front, side, or rear yard;
- B. Ordinary projection of sills, belt courses, cornices, vertical solar screen, ornamental features which may project twelve (12) inches;
- C. Air conditioner may project into a required side or rear yard setback;
- D. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved terraces may project six (6) feet into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than 40 square feet may project into a required front yard for a distance not to exceed four (4) feet; and
- E. Terraces, uncovered porches, platforms, decks, and ornamental features which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distances at least two (2) feet from the adjacent side or rear lot line.

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# 14

## NON-CONFORMING AND NON-STANDARD USES

### 14.01 Uses and Structures

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

- A. Whenever a nonconforming use or structure has been changed to a more restricted or conforming use, it shall not be changed back to a less restricted use.
- B. Should any nonconforming use or structure be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not continue.
- C. When a nonconforming use or structure is discontinued for a period of one year, the City Council may adopt, after notice by certified mail to the property owners, an amortization schedule to bring about the gradual elimination of such nonconforming use.
- D. Any nonconforming use may be extended throughout any part of a structure which was arranged or designed for such use previous to the adoption of this ordinance, but shall not be extended outside such structure.
- E. No existing nonconforming use or structure shall be enlarged, moved, or structurally altered except to change to a permitted use. This is not to include normal repairs and maintenance which do not enlarge, move or structurally alter a nonconforming use.

### 14.02 Continuation of Non-Standard Uses

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

- A. Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.
- B. Structural alteration of buildings or structures may otherwise be made if such



changes do not encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located.

- C. Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.

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# 15

## ADMINISTRATION AND ENFORCEMENT

### 15.01 Powers and Duties

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

### 15.02 Right of Entry

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

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

### 15.03 Stop Order

Whenever any work or use is being done contrary to the provisions of this title, the Zoning Administrator may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work or use until authorized by the Zoning Administrator to proceed with the work or use.

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# 16

## BUILDING PERMITS, FEES AND CERTIFICATES OF OCCUPANCY

### 16.01 Building Permit

No new development, change of use, moving in/moving out of structures, demolition, or other action which may be regulated by the provisions of this ordinance including use, height, number of occupants, lot area, off-street parking or yard requirements, shall occur without a Building Permit issued by the Zoning Administrator, or his or her designee, of the City of Hartford.

- A. An Application for Building Permit, available from the Zoning Administrator of the City of Hartford, shall be completed by the landowner, personal property owner, landowner's representative, contract for deed holder with written permission from the property owner or contractor requesting the Building Permit. Completed applications shall be returned to the Zoning Administrator of the City of Hartford for review. To be considered complete, the application form shall be accompanied by the following additional items:
  - 1. Any required attachments, city fees;
  - 2. Two copies of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration;
  - 3. Any additional information, as requested by the Zoning Administrator of the City of Hartford, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.
- B. A temporary Building Permit may be issued by the Zoning Administrator of the City of Hartford for a period not exceeding 6 months during alterations or partial occupancy of a building pending its completion. The Zoning Administrator of the City of Hartford may attach conditions and safeguards to said temporary permit to protect the safety of the occupants and the public.
- C. One copy of the plans shall be returned to the applicant, after the Zoning Administrator of the City of Hartford has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. One copy

of the plans, similarly marked, shall be retained by the Zoning Administrator of the City of Hartford for City records.

D. If the Zoning Administrator of the City of Hartford determines the proposed action would not be in compliance with the provisions of these regulations, a Building Permit may not be issued, except upon completion of one of the following processes established in these regulations, as may be applicable to such proposed action. The Zoning Administrator of the City of Hartford shall inform the applicant when one of the following processes may be applicable:

1. Variance, and
2. Amendment.

Issuance of a Building Permit shall indicate that, in the opinion of the Zoning Administrator of the City of Hartford, the proposed use and/or alterations of existing use are in compliance with the requirements of these Zoning Regulations. Issuance of a Building Permit shall not be construed as waiving any provisions of these regulations. Proposed uses and/or alterations of existing uses which are not in compliance with the requirements of these Zoning Regulations shall not be issued a Building Permit.

## **16.02 Expiration of Building Permits**

Every building permit issued under the provisions of this chapter shall expire by limitation and become null and void if the work or use authorized by such permit is not completed within 365 days from the date of such permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may continue work under that permit when he is unable to complete work within the time required for this section for good and satisfactory reasons. The Zoning Administrator may, except as otherwise provided herein, extend the time for completion by the permittee for a period not exceeding 90 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being completed. No permit shall be extended more than once.

## **16.03 Fees**

A schedule of fees, charges, and expenses for permits, change of zone, appeals, and other matters pertaining to this Zoning Ordinance shall be established by resolution of the City Council. The current fee schedule shall be available from the Zoning Administrator of the City of Hartford. All fees shall be the property of the City and shall be paid over to the Zoning Administrator of the City of Hartford for credit to the General Fund of the City which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### **16.04 Certificate of Occupancy**

No building, structure or land shall be used or occupied, and no change in the existing use of a building, structure or land shall be made until a final inspection has been completed. If it is found that the building, structure or land complies with the provisions of this Zoning Ordinance, a certificate of occupancy shall be issued.

A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator of the City of Hartford, and copies shall be furnished on request to any person have a proprietary or tenancy interest in land or buildings affected by such certificate of occupancy.

#### **16.05 Flatwork Permits**

All flatwork being done within the City of Hartford, that is not completed in conjunction with a building permit, will require an approved Flatwork Application from the City of Hartford. All fees for such work are set forth in the application as approved by resolution of the Hartford City Council.

*(Amended by Ordinance No. 651, Adopted 4/3/2018)*

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# 17

## BOARD OF ADJUSTMENT

### 17.01 Establishment

A Board of Adjustment is hereby established for the City of Hartford, which shall consist of the members of the Hartford Planning Commission, pursuant to SDCL 11-4-13.

### 17.02 Powers and Duties

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

- A. To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Zoning Administrator of the City of Hartford in the enforcement of this ordinance.
- B. To hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

### 17.03 Appeal Procedure

- A. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Administrator, may present to that Official, a notice of appeal, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The notice of appeal shall be filed with the Zoning Administrator of the City of Hartford, who shall transmit to the Board of Adjustment all information and records concerning the appeal. Such notice of appeal shall be presented to the Zoning Administrator within thirty (30) days after the filing of the decision in the office of the Zoning Administrator.
- B. The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the Chairman and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting. No less than ten (10) days before the public hearing, the Zoning Administrator of the City of Hartford shall publish notice of the public hearing in a legal newspaper of the City.
- C. The public hearing shall be held. The appellant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the

specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any appeal or arrive at any determination.

#### **17.04 Variances**

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

- A. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this Chapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.
- B. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- C. The variance requested is the minimum variance that will alleviate the hardship.
- D. Granting of the variance will comply with the general purpose and intent of this ordinance, and will not be offensive to adjacent areas or to the public welfare.
- E. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.
- F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.
- G. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.

- H. An Application for a Variance, available from the Zoning Administrator of the City of Hartford, shall be completed by the landowner requesting the Variance. Completed applications shall be returned to the Zoning Administrator for review. To be considered completed, the application shall contain the following information:
1. Legal description of the land on which such variance is requested, together with local street address;
  2. Name and address of each owner of the property;
  3. Name, address, phone number and signature of the applicant;
  4. Zoning district classification under which the property is regulated at the time of such application;
  5. Description of the variance sought from the Zoning Regulations;
  6. Be accompanied with a site plan, unless waived by the Zoning Administrator.
- I. The Zoning Administrator shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.
- J. The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Variance no less than ten (10) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the city.
- K. The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance or arrive at any determination.



## **17.05 Court Review**

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

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# 18

## AMENDMENTS AND CHANGE OF ZONE

### 18.01 Procedure

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

The following procedure for requesting an amendment shall be followed:

- A. The Zoning Administrator of the City of Hartford shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning Commission for review.
- B. The Zoning Administrator of the City of Hartford shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator of the City of Hartford shall publish notice of the public hearing in a legal newspaper of the city once not less than 10 days prior to the public hearing. At least one sign shall be posted on the property for a continuous period of ten (10) days immediately prior to any public hearing held by the Planning Commission to consider any rezoning application.
- C. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
- D. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.
- E. The Zoning Administrator of the City of Hartford shall set the date, time and place for a City Council public hearing. The Zoning Administrator of the City of Hartford shall publish notice of the public hearing in a legal newspaper of the city once not less than 10 days prior to the public hearing. At least one sign shall be posted on the property for a continuous period of ten (10) days immediately prior to any public hearing held by the City Council to consider any rezoning application.
- F. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these Zoning Regulations, in accordance

with standard procedures for reading, approval, publication and effective date.

- G. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect twenty days after publication, unless the referendum shall have been invoked.

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# 19

## CONDITIONAL USE PERMITS

### 19.01 Conditional Uses

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

#### A. Procedure

The Planning Commission may authorize by Conditional Use Permit those uses specifically designated as Conditional Uses in Chapters 3 through 11. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such Conditional Use Permit.

#### B. Application

To obtain a Conditional Use Permit, the applicant shall file an application, therefore, in writing on a form furnished by the Zoning Administrator. Every application shall contain the following information:

1. Legal description of the land on which such Conditional Use is requested, together with local street address.
2. Name and address of each owner of the property.
3. Name, address, phone number and signature of the applicant.
4. Zoning district classification under which the property is regulated at the time of such application.
5. Be accompanied with a site plan, unless waived by the Zoning Administrator.
6. Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.

### C. Fees

Upon the filing of any application for a Conditional Use Permit with the Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by Resolution of the Hartford City Council.

### D. Information on Site Plan

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

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

Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance

with the approved plans.

#### E. Review and Public Hearing Procedure

Prior to the approval of a Conditional Use Permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

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

The following procedure shall be followed by the Planning Commission in considering the recommendation of the Zoning Administrator:

1. The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
2. Before any Conditional Use Permit shall be granted, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas where required;
  - c. Refuse and service areas, with particular reference to (a) and (b) above;
  - d. Utilities, with reference to locations, availability, and compatibility;
  - e. Screening and buffering with reference to type, dimensions and character;

- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;
- i. The goals and objectives of the most recently adopted Comprehensive Plan.

The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with Chapter 19.01 (F).

#### F. Appeal of Planning Commission Decision

The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Zoning Administrator within five working days of the Planning Commission decision. When an appeal is filed, the Zoning Administrator shall present the Planning Commission's decision to the City Council for review. Notice of the meeting shall be given as required by Chapter 19.01 (E). The City Council shall vote to either uphold, overrule or amend the decision of the Planning Commission.

#### G. Expiration

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

- 1. There was no public objection presented during the public hearing process for the original conditional use permit;
- 2. The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;
- 3. Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

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



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# 20

## DEFINITIONS

### 20.01 Purpose

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

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

### 20.02 Definitions

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

**ACCESSORY USE OR STRUCTURE** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

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

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

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

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

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

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

**ADULT ORIENTED BUSINESS** - Any adult arcade, adult bookstore or video store, cabaret, adult live entertainment establishment, adult motion picture theater, adult theater, massage establishment that offers adult service, or nude model studios, or any establishments have more than five percent of the business's activities, materials or services being adult oriented.

*(Amended: Ordinance No. 655, Adopted 12/18/2018)*

**ADULT SERVICE** - Dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during

all or part of the time that the person is providing the service.

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

**AGRICULTURE** - The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This definition **shall not include** intensive agricultural activities such as feedlot operations, chicken farms, and agribusiness activities.

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

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

**AMUSEMENT/RECREATIONAL SERVICE** - Any commercial activity whether conducted intermittently or full-time which is primarily used for physical recreation or entertainment. The phrase "amusement services," includes any billiard or pool hall, bowling alley, boxing arena, dance hall, arcade, shooting gallery and any similar commercial activity which is conducted within a building or screened from public view by solid fencing. Miscellaneous amusement services include physical fitness facilities, golf courses, amusement parks, membership sports and recreation clubs, etc.

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

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

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

ARTISAN DISTILLERY – A manufacturer which produces, rectifies, or blends distilled spirits, as defined in SDCL 35-1-1, in a total quantity not in excess of fifty thousand (50,000) gallons within a calendar year, where at least thirty percent (30%) of the raw materials, other than water, used in the finished product are grown or produced in South Dakota. (SDCL 35-13-13)

*(Amended: Ordinance No. 680, Adopted 12/3/2019)*

ASSISTED-LIVING CENTER AND CONGREGATE CARE FACILITY - A licensed health care facility to provide 24-hour supervision of the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may also provide services, such as recreational activities, financial services, and transportation.

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

BANKS/DEPOSITORY FINANCIAL INSTITUTIONS - A business enterprise involved with the deposit and ex-change of money and services related to the financial system.

BAR - Any business wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a business wherein such beverages are sold in conjunction with the sale of food for consumption on the premises.

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

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

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

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

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

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is constructed or erected

on the ground or attached to the ground with a fixed location on the ground.

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

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

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

**BUILDING PERMIT** - A document signed by the Zoning Administrator of the City of Hartford as a condition precedent to the commencement of a use or the erection, construction, re-construction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use, or building complies with the provisions of the municipal zoning ordinance or an authorized variance therefrom.

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

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

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

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

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

**CAMPGROUND, TRAVEL TRAILER PARKING AREA** - Shall mean a plot of ground for public use upon which two or more campsites are located, established, maintained,

advertised, or held out to the public, to be a place where camping units can be located and occupied as temporary living quarters.

CARPORT - Means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for motor vehicle shelter and storage. Canvas, fiberglass, lath, vegetation, or other similar material are not ordinary roof coverings and cannot be used in providing covered spaces for a carport.

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

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

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

CHURCH – See (Place of Worship).

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*

CITY - Means City of Hartford, South Dakota.

CITY COUNCIL - Means Board of City Council Members, Hartford, South Dakota.

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

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

COMMERCIAL FEED LOT - A feeding operation involving more than two hundred (200) animal units outside an enclosed structure or building within a confined area which lacks vegetation, crops, or other types of ground cover. One animal unit is equivalent to one beef cow, steer, feeder or fat beef animal; 0.7 horse; 0.7 dairy cow; 1.7 swine; 6.7 sheep; 33 hens, cockerels, capons, broilers, or ducks; and 10 geese or turkeys.

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

COMMISSION - Means City Planning Commission of Hartford, South Dakota.

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

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

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

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

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

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

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

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

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

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

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

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

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

**DISTRICT** - A part, zone, or geographic area of the City of Hartford within which certain zoning or development regulations apply.

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

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

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

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

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

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

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

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



**EATING ESTABLISHMENT** - An establishment engaged in the sale of prepared foods and/or nonalcoholic beverages primarily for on-premises consumption.

**EATING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES** - Any eating establishment which also engages in the sale of alcoholic beverages. There shall be no off-site alcoholic beverage sales allowed.

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

**ENGINEERING, MANAGEMENT, PUBLIC ADMINISTRATION AND RELATED OFFICES** - Offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, chiropodist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.

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

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

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

**FARM** - A parcel of land used for agricultural purposes, with a minimum of 10 acres in

size.

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

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

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

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

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

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

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

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

**GARAGE, PRIVATE** - A building or a portion of a building in which motor vehicles owned or leased by the occupants of the principal buildings are stored or kept.

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

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

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

building.

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

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

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

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

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

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

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

**HOME OCCUPATION** - A home occupation is any occupation carried on by a member of the immediate family residing on the premises, in accordance with Section 12.12 of these regulations.

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

**HUB** - The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.

**INTERSTATE CORRIDOR** – The property along an interstate highway between the Department of Transportation (DOT) right-of-way and 1,000 feet from the median.

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

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

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

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

**LOADING SPACE** - A space within the main building or on the same lot for the standing, loading, or unloading of trucks.

**LOT** - A parcel of land occupied or intended for occupancy by a use or uses permitted in this ordinance. It shall have its principal frontage upon a street or upon an officially approved access.

*(Amended: Ordinance No. 655, Adopted 12/18/2018)*

**LOT AREA** - The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER** - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

**LOT COVERAGE** - The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**LOT, DOUBLE FRONTAGE** - A lot which abuts a street on two opposite sides (not a corner lot).

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

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

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

**LOT LINE, FRONT** - The lot line separating a lot from a street.

**LOT LINE, REAR** - The lot line opposite and most distant from the front lot line; or in

the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three (3) feet to any lot line.

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

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

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

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

**MANUFACTURED HOME** - A dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. A label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required.

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

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

1. Physicians who are licensed pursuant to SDCL Ch. 36-4 or a podiatrist

licensed pursuant to SDCL Ch. 36-8.

2. Registered nurses or licensed practical nurses who are licensed pursuant to SDCL Ch. 36-9.
3. Physician assistants who are licensed pursuant to SDCL Ch. 36-4A or certified nurse practitioners and certified nurse midwives who are licensed pursuant to SDCL Ch. 36-9A.
4. Physical therapists licensed pursuant to SDCL Ch. 36-10.
5. Athletic trainers licensed pursuant to SDCL Ch. 36-29.
6. Massage therapists licensed pursuant to SDCL Ch. 36-35.
7. Chiropractors licensed pursuant to SDCL Ch. 36-5.

**MEDICAL AND DENTAL CLINIC** – Clinic, office or any institution providing medical or dental care on either an appointment or walk-in or nonappointment basis.

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

**MINING** - The development or extraction of a mineral from its natural occurrence or affected land. The term includes, but is not limited to, surface mining and surface operation, in-site mining, the reprocessing of tailing piles, the disposal of refuse from underground mining, and milling and processing located on land described in the application for a mining permit.

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

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

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

**MOTOR VEHICLE BODY REPAIR** - A business operated in a building or part thereof where repairs, alterations or replacements are made to motor vehicles and related components. Typically, these activities include welding, frame straightening or painting, as well as trim work (e.g., installation or replacement of mirrors, upholstery, decorative trim or striping).

**MOTOR VEHICLE, COMMERCIAL** - Any vehicle which is adapted, designed, equipped and used to perform a specific commercial function and which does not meet the definition of Motor Vehicle, Personal/Passenger as defined herein.

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

**MOTOR VEHICLE PARTS SALES** - A business operated in a building where parts for motor vehicles, from sources off-site, are sold.

**MOTOR VEHICLE, PERSONAL/PASSENGER** - Any car, pickup truck or van which is designed and facilitates personal/passenger travel and has not been externally altered with features not customary to personal usage.

**MOTOTR VEHICLE REPAIR** - A business operated in a building or part thereof where motor vehicles are repaired or reconditioned. Such repair shall be limited to mechanical and electronic systems only. Painting (which requires a spray booth), repair or alterations to motor vehicle body parts or frame shall not be allowed. Minimal trim work (e.g., installation or replacement of mirrors, upholstery, decorative trim or striping) is allowed. Vehicles being repaired may be retained for more than 24 hours but not longer than 30 days.

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

**MOTOR VEHICLE SALES** - A business engaged in the sale of used or new motor vehicles. Motor vehicle repair may be permitted on the premises as an ancillary activity.

**MOTOR VEHICLE SERVICE STATION** - Any business or premises engaged in the sale of gasoline and other fuel products, including biofuel and biodiesel, and/or light maintenance activities such as engine tune-up, lubrication and minor repairs. Service stations shall not include premises where heavy motor vehicle maintenance activities

such as engine overhauls, motor vehicle painting, body fender work or storage for more than a 24 hour period are conducted.

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

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

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

**NUDE MODEL STUDIO** - A place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other considerations. The term, nude model studio, does not include a proprietary school that is licensed by this state, a college, or a university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college or university that is supported entirely or in part by taxation or a structure to which the following apply:

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

**NUDE, NUDITY OR STATE OF NUDITY** - Any of the following:

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

**NURSERY** - Land or greenhouses used to raise flowers, shrubs, and plants for sale. See (Greenhouse).



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

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

**OUTDOOR STORAGE** - The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material, merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of junkyard as defined herein.

**PARKING SPACE** - A hard-surfaced area, enclosed or unenclosed, sufficient in size to park one motor vehicle. A parking space must provide an unobstructed means of access, and all spaces shall meet the minimum criteria as prescribed by City Ordinance. An access aisle or driveway shall not count towards required parking space.

*(Amended: Ordinance No. 655, Adopted 12/18/2018)*

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

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

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

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

**PLACE OF WORSHIP** - A premises used for the regular assemblage of people for the purpose of worship, ceremonies, rituals, or education relating to a particular form of religious belief. Places of worship include, but are not limited to, churches, chapels, mosques, synagogues, and temples.

*(Amended: Ordinance No. 694, Adopted 10/6/2020)*

**PLANNING COMMISSION** - The duly designated planning board of the municipality

responsible for reviewing and approving applications for development and preparation of master plans and ordinances.

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

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

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

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

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

**PROPERTY LINE** - See (Lot Line).

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

**PUBLIC UTILITY FACILITIES** - See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings, structures, and facilities that exceed 120 square feet in area are allowable.

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

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

**RECREATION FACILITY, COMMERCIAL** - A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public for a fee.

**RECREATION FACILITY, PUBLIC** - A recreation facility operated by a governmental agency and open to the general public with or without fees.

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

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

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

**RESIDENCE** - A permanent dwelling place.

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

**RETAIL SERVICES AND TRADE** - Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services but does not include on-sale alcoholic beverage establishments.

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

**ROOMING/BOARDING HOUSE** - See (Boarding House).

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

**SCREENING** - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SEMINUDE** - A state of dress in which clothing covers no more than the genitals, pubic region, and female breast below a point immediately above the top of the areola, as well

as portions of the body that are covered by supporting straps or devices.

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

**SHALLOW/SURFICIAL AQUIFER** - An aquifer in which the permeable media (sand and gravel) starts near the land surface immediately below the topsoil.

The shallow aquifer is further defined as an aquifer within fifty (50) feet or less below the land surface within fifteen (15) feet or less of continuous overlying, extremely low permeability material, such as clayey till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability material for purposes of this ordinance; or, the aquifer is greater than fifty (50) feet but less than one hundred (100) feet below the land surface with thirty (30) feet or less of continuous overlying low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.

**SIGN** - Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include signs not exceeding 32 square feet for advertising the construction, sale or lease of real estate, national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

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

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

**SIGN (OFF PREMISE)** - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN (ON PREMISE)** - A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

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

**SIGN, WALL** - A sign attached to or erected against a wall of a building and projecting

no more than twelve (12) inches with the face in a parallel plane to the plane of the building wall.

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

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

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

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

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

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

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

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

**STREET, ARTERIAL** - A principal traffic artery, more or less continuous across the city,

which acts as a principal connecting street with state and federal highways and includes each street designated as an arterial street on the Major Street Plan.

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

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

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

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

*(Amended: Ordinance No. 699, Adopted 1/5/2021)*

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

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

**TEMPORARY SIGN** - A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic, wallboard, or other like materials, not exceeding 32 square feet, and intended to be displayed for a limited period of time.

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

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

**TOTAL HEIGHT** - The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

TOWER - A vertical structure that supports a wind turbine.

TRAVEL TRAILER - Means any of the following:

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

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

USE, ACCESSORY - See (Accessory Building or Use).

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

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

WAREHOUSE - A building used primarily for the storage of goods and materials.

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

WHOLESALE MERCHANDISING /WHOLESALE TRADE - Establishments or places

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

**WIND ENERGY CONVERSION SYSTEM (WECS)** - An electrical generating facility that consists of a wind turbine, feeder line and/or other associated controls and may include a tower.

**WIND TURBINE** - A machine used to produce electricity by converting the kinetic energy of wind to electrical energy. A wind turbine consists of a rotor, nacelle, tower and supporting cables and foundation.

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

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

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

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

**YARD LINE** - See (Building Line).

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

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

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

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



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

**ZONING ADMINISTRATOR** - The official designated by the City Council to administer these regulations.

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# 21

## CHANGE OF USE PERMITS

### 21.01 Change of Uses

Any change of use within a zoning district must be approved by the City of Hartford and shall conform to the standards set forth below. These standards shall be construed to be the minimum requirements for any of the specified change of use, and the City of Hartford may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

- A. Permit Required. It shall be unlawful for any person to change the use of any lot, building, or structure regulated by this Ordinance, or cause the same to be done, without first obtaining a change of use permit or conditional use permit.

The Zoning Administrator may review and approve any change of use application for permitted uses within a zoning district if plans comply with all applicable standards. Any change of use that would require a conditional use permit must go through the conditional use permit process outlined in Chapter 19 of the Hartford Zoning Regulations and receive approval from the Planning Commission.

- B. Application for Change of Use. The applicant shall complete and submit an application which may be obtained from the Zoning Administrator. Every application shall contain the following information:
1. Legal description or address of the lot for which the change of use is requested.
  2. Name, address, and phone number of each owner of the lot for which the change of use is requested.
  3. The zoning district and use classification(s) under which the lot is regulated at the time of the application.
  4. The use classification(s) requested by the application.
  5. A site plan of sufficient clarity to indicate the location, nature, and extent of the use proposed shall be provided to the Zoning Administrator. Where applicable, all site plans shall contain the following information:
    - a. The legal description or address of the lot shown on the site plan.

- b. A north arrow.
- c. All existing buildings, structures, or additions thereto, with information regarding their dimensions, height, and number of stories.
- d. Distance from all building lines to the property lines at the closest points.
- e. Dimensions of all property lines.

All plans shall not be changed, modified, or altered, and all changes of use shall be performed in accordance with the approved plans.

Exception: The Zoning Administrator may waive the submission of plans related to Zoning Permits if he or she determines the nature of the change in use is such that reviewing plans is not necessary to obtain compliance with this Ordinance.

- 6. Be signed by the applicant, who may be required to submit evidence to indicate such authority if the lot has more than one owner. If the application is submitted online, the act of submission shall meet the signature requirement.
- 7. Any additional information concerning the applicant, the lot, the lot's current use(s), or the lot's requested use(s) as may be required by the Zoning Administrator.

- C. Issuance. Once filed pursuant to Chapter 20.01(B), the application shall be reviewed by the Zoning Administrator. If he or she determines that it contains all the required information and meets the requirements of this Ordinance and other pertinent laws and regulations, he or she shall issue the permit.

All permit fees shall be paid upon approval of the permit. Upon payment of the fee, the Zoning Administrator shall sign the permit, thereby making it effective.

- D. Appeals. The decision rendered by the Zoning Administrator on a change of use may be appealed to the Planning Commission. The applicant or any other person aggrieved by the decision of the Zoning Administrator shall file a written appeal with the Zoning Administrator within 5 working days of the Zoning Administrator's decision.

The Zoning Administrator shall set the date, time and place for any appeal hearings to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail and shall post notices of the public hearing at the City Office and on the property affected by the proposed Change of use Permit no less than 10 days prior to the scheduled public hearing. No less than 10 days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a

legal newspaper of the City.

The Planning Commission shall vote to either uphold, overrule or amend the decision of the Zoning Administrator.

- E. Expiration. A change of use permit approved in accordance with Chapter 21 shall expire one year from the date upon which it becomes effective if the change of use has not been implemented, or one year after the use discontinues on the premises.

*(Amended: Ordinance No. 657, Adopted 12/18/2018)*