# 2011 REVISED CANTON ZONING REGULATIONS

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

*Codified through Ordinance No. 1021, adopted October 21, 2013*

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# 1

# GENERAL PROVISIONS

## 1.01 Title and Application

These regulations shall be referred to as the 2011 Revised Zoning Ordinance of the City of Canton.

## 1.02 Jurisdiction

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

## 1.03 Purpose

These regulations have been based upon the Canton 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;
* to secure safety from fire, panic and other dangers;
* to promote health and the general welfare;
* to provide adequate light and air;
* to prevent overcrowding of land;
* to avoid undue concentrations of population; and
* to 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 Violations*

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 Commission. Each day that the violation continues shall be considered a separate offense 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 Canton, as provided for by South Dakota law.

# 2

# DISTRICTS AND BOUNDARIES

## 2.01 Districts Designated

The City is hereby divided into the following districts:

| | |
|---|---|
| UR | Urban Reserve District |
| R | Residential District |
| MH | Manufactured Housing Residential District |
| CB | Central Business District |
| GB | General Business District |
| LI | Light Industrial District |
| HI | Heavy Industrial District |
| PD | Planned Development |

## 2.02 Adoption of Official Zoning Map

The Official Zoning Map for the City of Canton, 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 17.01 of these regulations. The current Official Zoning Map and previously adopted versions are on file at City Hall.

## 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 corporate limits shall be interpreted to follow such platted lot lines or corporate 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 16, shall interpret the district boundaries;

E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit, as a Conditional Use Permit (Chapter 18) the extension of the regulations for either portion of the lot into the remaining portion of the lot.

## *2.05 Annexations*

When possible, the City will make every effort to conduct the rezoning of new territories concurrent with the annexation into the City. When it is not possible to conduct the rezone concurrent with the annexation, the territories which may hereafter be annexed into the City shall automatically be assigned the zoning district concurrent with or closest to the existing Lincoln County zoning classification until such time as the area is rezoned by amendment of these regulations by ordinance. The rezone shall be initiated within ninety (90) days of the annexation.

# 3

# UR: URBAN RESERVE 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 |
|---|---|
| **Agricultural crops** | 11.02, 11.06, 11.12, 11.16 |
| **Farm dwellings, single-family** | 11.02, 11.04, 11.06, 11.11, 11.12, 11.16<br>Not within identified floodplain area. |
| **School** | 11.02, 11.04, 11.12, 11.16<br>All parking lots being eight (8) feet from all residential properties.<br>One freestanding sign as allowed within 11.06. |
| **Public parks and trails** | 11.02, 11.04, 11.06, 11.16 |
| **Golf course** | 11.02, 11.04, 11.16<br>One freestanding sign as allowed within 11.06. |
| **Electrical substation** | 11.02, 11.04, 11.12, 11.16<br>An opaque screen, six feet in height, shall be located at all setback lines. |
| **Neighborhood utility facility** | 11.02, 11.12, 11.16 |
| **Public utility facility** | 11.02, 11.04, 11.12, 11.16<br>One freestanding sign allowed as allowed within 11.06. |

| Permitted Use | Applicable Standards |
|---|---|
| **Cemetery** | 11.02, 11.16<br>At least two (2) acres in size and adequate road system within cemetery.<br>Not within an identified floodplain area.<br>One freestanding sign as allowed within 11.06. |
| **Fence** | 11.09, 11.16 |
| **Bed and breakfast establishment** | 11.15, 11.16<br>All applicable farm dwelling, single family standards apply.<br>One freestanding sign as allowed within 11.06. |
| **Accessory use and structure (i.e. garage, shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Home occupation** | 11.13 |

## *3.02 Conditional Uses*

| Conditional Uses | Applicable Standards |
|---|---|
| **One additional single-family dwelling** | 11.02, 11.11, 11.16, 11.12, 18.01<br>Said dwelling shall be located within the farmstead perimeter.<br>All farm dwelling, single family requirements apply.<br>Not within an identified floodplain area. |
| **Wireless communication facility on existing support structure** | 11.10, 11.16, 18.01<br>Not within an identified floodplain area. |
| **Municipally owned waste water treatment facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Major home occupation** | 11.13, 18.01 |
| **Public service facility** | 11.02, 11.04, 11.12, 11.16, 18.01<br>One freestanding sign as allowed within 11.06. |

## *3.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

| | 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 also Adjustment to Yard Regulations (Chapter 12) and Non-Conforming and Non-Standard Uses (Chapter 13) for other specific exceptions.

# 4

# R: RESIDENTIAL DISTRICT

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

## 4.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Single-family detached dwelling** | 11.02, 11.04, 11.11, 11.12, 11.16 |
| **Two-family dwelling** | 11.02, 11.04, 11.11, 11.12, 11.16 |
| **Church** | 11.02, 11.04, 11.12, 11.16<br>All parking lots being eight (8) feet from all residential properties.<br>One freestanding sign as allowed within 11.06. |
| **Public parks and trails** | 11.02, 11.04, 11.06, 11.16 |
| **Library** | 11.02, 11.04, 11.12, 11.16<br>All parking lots being eight (8) feet from all residential properties.<br>One freestanding sign as allowed within 11.06. |
| **School** | 11.02, 11.04, 11.12, 11.16<br>All parking lots being eight (8) feet from all residential properties.<br>One freestanding sign as allowed within 11.06. |
| **Neighborhood utility facility** | 11.02, 11.12, 11.16 |
| **Electrical substation** | 11.02, 11.04, 11.12, 11.16<br>An opaque screen, six feet in height, shall be located at all setback lines. |
| **Accessory structure (i.e. garage, shed, pool)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Fence** | 11.09, 11.16 |

| Permitted Use | Applicable Standards |
|---|---|
| **Home occupation** | 11.13 |

## *4.02 Conditional Uses*

| Conditional Use | Applicable Standards |
|---|---|
| **Multiple-family dwelling (3 or more dwelling units)** | 11.02, 11.04, 11.11, 11.12, 11.16, 18.01<br>One freestanding sign allowed as allowed within 11.06. |
| **Townhouse** | 11.02, 11.04, 11.11, 11.12, 11.16, 18.01 |
| **Public service facility** | 11.02, 11.04, 11.12, 11.16, 18.01<br>One freestanding sign as allowed within 11.06. |
| **Major home occupation** | 11.13, 18.01 |
| **Day care center** | 11.16, 11.11, 18.01<br>A safe pickup and drop off area must be provided for the children.<br>All single family standards apply. |
| **Bed and breakfast establishment** | 11.15, 11.16, 18.01<br>All single-family detached dwelling standards apply.<br>One freestanding sign as allowed within 11.06. |
| **Group home** | 11.16, 18.01<br>Structure must be a single housekeeping unit.<br>Applicant must provide copy of state agency license.<br>All single-family detached dwelling standards apply. |

## *4.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04). Lot coverage shall not exceed 50% in R Districts.

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard | Maximum Height |
|---|---|---|---|---|---|---|
| **Single-Family Detached** | 7,500 sq. ft. (per lot) | 66 feet see #1, #2 | 20 feet see #3 | 7 feet | 15 feet | 35 feet |
| **Two-Family Attached (2) 1 lot** | 7,500 sq. ft. | 66 feet see #1, #2 | 20 feet see #3 | 7 feet | 15 feet | 35 feet |
| **Two-Family Attached (2) 2 lots** | 3,750 sq. ft. | 25 feet see #1, #2 | 20 feet see #3 | 0' or 7' on nonparty wall side | 15 feet | 35 feet |
| **Multiple Dwellings (3 or more dwelling units)** | 6,500 sq. ft. plus an additional 1,500 sq. ft. for each dwelling unit | 80 feet | 20 feet see #3 | 7 feet | 15 feet | 55 feet |
| **All other uses** | 5,000 sq. ft. | 50 feet | 20 feet see #3 | 7 feet | 15 feet | 35 feet |

**Exceptions**

#1 A residence may be constructed on a lot-of-record which has a lot width of less than 66 feet.

#2 For a lot located on a cul-de-sac bulb, the required lot width will be measured at the required front yard setback line; however, the minimum lot width at the right-of-way line shall not be less than 50 feet.

#3 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.

#4 See also Adjustment to Yard Regulations (Chapter 12) and Non-Conforming and Non-Standard Uses (Chapter 13) for other specific exceptions.

# 5

# MH: MANUFACTURED HOUSING RESIDENTIAL DISTRICT

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

## 5.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Manufactured home** | 11.02, 11.04, 11.12, 11.14, 11.16 |
| **Electrical substation** | 11.02, 11.04, 11.12, 11.16<br>An opaque screen, six feet in height, shall be located at all setback lines. |
| **Neighborhood utility facility** | 11.02, 11.16 |
| **Public parks and trails** | 11.02, 11.04, 11.06, 11.16 |
| **Accessory structure (i.e. garage, shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Home occupation** | 11.13 |

## 5.02 Conditional Uses

| Conditional Use | Applicable Standards |
|---|---|
| **Licensed manufactured home park** | 11.02, 11.04, 11.06, 11.12, 11.14, 11.16, 18.01<br>Municipal code regulations regarding manufactured home parks. |
| **Church** | 11.02, 11.04, 11.12, 11.16, 18.01<br>One freestanding sign as allowed within 11.06. |
| **School** | 11.02, 11.04, 11.12, 11.16, 18.01<br>One freestanding sign as allowed within 11.06. |

| Conditional Use | Applicable Standards |
|---|---|
| **Day care center** | 11.16, 18.01<br>A safe pickup and drop off area must be provided for the children. |
| **Group home** | 11.16, 18.01<br>Structure must be a single housekeeping unit.<br>Applicant must provide copy of state agency license. |
| **Public service facility** | 11.02, 11.04, 11.12, 11.16, 18.01<br>One freestanding sign as allowed within 11.06 |
| **Major home occupation** | 11.13, 18.01 |

## *5.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

1. Each manufactured home park shall be at least ten (10) 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 11.06.

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard | Maximum Height |
|---|---|---|---|---|---|---|
| **Residential Uses** | 6,600 sq. ft. | 66 feet | 20 feet | 10 feet | 10 feet | 35 feet |
| **Corner Lots** | 7,500 sq. ft. | 66 feet | 20 feet | 10 feet | 10 feet | 35 feet |
| **All Other Uses** | 6,000 sq. ft. | 60 feet | 25 feet | 10 feet | 10 feet | 35 feet |

**<u>Exception</u>**

#1 See also Adjustment to Yard Regulations (Chapter 12) and Non-Conforming and Non-Standard Uses (Chapter 13) for other specific exceptions.

# 6

# 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.

## 6.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Retail trade or service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Office** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Personal service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Hotel/motel** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Gasoline dispensing station** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Public utility facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Mortuary** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Private club** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Church** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Arcade** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Rooming /boarding house** | 11.02, 11.04, 11.06, 11.12, 11.16<br>Subject to the residence being constructed above the first floor. |
| **Motor vehicle service station** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Gasoline pumps and gasoline pump islands shall be located more than 15 feet from the nearest property line. |

| Permitted Use | Applicable Standards |
|---|---|
| **Public service facility** | 11.02, 11.04, 11.06, 11.12, 11.16<br>One freestanding sign as allowed within 11.06. |
| **Accessory use (i.e. garage & shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Public parks and trails** | 11.02, 11.04, 11.06, 11.16 |
| **Fence** | 11.09, 11.16 |

## *6.02 Conditional Uses*

| Conditional Use | Applicable Standards |
|---|---|
| **Mixed use (commercial/ residential)** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Adult oriented business** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Applicant must comply with SDCL Ch. 11-12-2 & 11-12-3. |
| **Electrical substation** | 11.02, 11.04, 11.12, 11.16, 18.01<br>An opaque screen, six feet in height, shall be located at setback lines. |
| **Day care center** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Adequate and safe playground area with a fence four (4) feet high (see 11.09). |
| **Motor vehicle repair shop** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days. |
| **On-sale alcoholic beverage establishment** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Commercial parking lots/parking ramps** | 11.02, 11.04, 11.06, 11.12, 11.16, 18.01 |

## *6.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

A. The average front and rear yard setback existing on each street shall apply.

B. There are no side yard or lot area restrictions.

C. See also Adjustment to Yard Regulations (Chapter 12) for specific exceptions.

D. When abutting a residential district, uses and structures shall have a minimum front yard of 20 feet, minimum side yards of 5 feet and a minimum rear yard of 15 feet.

E. The maximum height of all buildings and structures shall not exceed 45 feet.

# 7

# GB: GENERAL 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 the carrying capacity of roads and streets and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

## 7.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Retail trade or service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Office** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Personal service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Hotel/motel** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Motor vehicle service station/gas dispensing station** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Printing plant** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Hospital/clinic** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Public utility facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Mortuary** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Private club** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Church** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>All parking lots being 8 feet from all residential properties. |
| **Arcade** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Greenhouse/nursery** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Drive-in theater** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |

| Permitted Use | Applicable Standards |
|---|---|
| **Car wash** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site. |
| **Farm store, feed store** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to only accessory storage of fertilizer or farm chemicals on the site. |
| **Commercial recreation facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Accessory use (i.e. garage, shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Commercial parking lots/parking ramps** | 11.02, 11.04, 11.06, 11.12, 11.16 |
| **Public service facility** | 11.02, 11.04, 11.06, 11.12, 11.16 |
| **Public parks and trails** | 11.02, 11.04, 11.06, 11.16 |
| **Fence** | 11.09, 11.16 |

## *7.02 Conditional Uses*

| Conditional Use | Applicable Standards |
|---|---|
| **Motor vehicle sales, display, and service** | 11.02, 11.04, 11.05, 11.06, 11.12, , 11.16, 18.01 |
| **Adult oriented business** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Applicant must comply with SDCL Ch. 11-12-2 & 11-12-3. |
| **Electrical substation** | 11.02, 11.12, 11.16, 18.01<br>An opaque screen, six feet in height, shall be located at setback lines. |
| **On-sale alcoholic beverage establishment** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Day care center** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Adequate and safe playground area with fence four (4) feet high. |

| Conditional Use | Applicable Standards |
|---|---|
| **Motor vehicle repair shop** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding twenty-one (21) days. |
| **Off-premise signs** | 11.02, 11.07, 18.01 |
| **Veterinarian** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>No outdoor kenneling of dogs within 1,000 feet of a residential area*. |
| **Bus passenger terminal** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Lumberyard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to screening of all parts and accessories from view. |
| **Farm implement sales, display and service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to the screening of all outdoor storage from view. |
| **Bus/truck terminal** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Campground** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Lot must contain at least 2,000 square feet and be supplied with city water and sanitary sewer services; access road on the campground site shall be paved or surfaced in a similar manner to the adjacent public roads, shall be approved by the City, and shall be 14 feet for one way and 20 feet for two way roads. |
| **Kennel** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Located 1,000 feet from residential district area*. |
| **Mixed use (commercial/ residential)** | 11.02, 11.04, 11.06, 11.12, 11.16, 18.01 |

* measured from the closest point of the outside walls of both structures

## *7.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard | Maximum Height |
|---|---|---|---|---|---|---|
| **All Uses** | NA | NA | 20 feet<br>see #3 | 7 feet<br>see #1 | 15 feet<br>see #2 | 35 feet |

**Exceptions**

#1 A side yard of 10 feet shall be required where a lot is adjacent to or abuts a residential district.

#2 A rear yard of 20 feet with a landscape buffer shall be required where a lot is adjacent to or abuts a residential district.

#3 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#4 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

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# 8

# 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.

## 8.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Wholesale trade** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Light manufacturing** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Contractor's shop/storage yard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to screening of all outdoor storage from view. |
| **Office** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Public utility facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Frozen food locker** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Wireless communication facility on existing support structure** | 11.02, 11.04, 11.05, 11.06, 11.10, 11.12, 11.16 |
| **Printing plant** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Motor vehicle service station** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Electrical substation** | 11.02, 11.12, 11.16<br>Opaque screen, six feet in height, located as far back as all setback lines. |
| **Warehouse, mini-warehouse** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>The materials stored on the premises shall have a Level 1 or below in the Fire Protection Guide on Hazardous Materials. |
| **Lumberyard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |

| Permitted Use | Applicable Standards |
|---|---|
| **Retail trade or service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Only when it is an accessory use when in conjunction with the primary use of wholesaling or manufacturing. |
| **Truck or bus wash** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>All water from the truck or bus wash being contained on the site. |
| **Truck repair, sales and service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to no unscreened outdoor storage of parts. |
| **Farm store or feed store** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Only accessory storage of fertilizer or farm chemicals on the site. |
| **Farm implement sales, display and service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Public service facility** | 11.02, 11.04, 11.06, 11.12, 11.16 |
| **Accessory structure (i.e. garage, shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Fence** | 11.09, 11.16 |
| **Temporary commercial grain storage facilities (open storage)**<br><br>*(Amended: Ordinance No. 1000, 04-16-12)* | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to the operator providing a letter to the Authorized Official stating the need for temporary storage of grain and that the facilities will be completely removed when the temporary use is vacated. The letter shall include a date certain for discontinuing the use. |

## *8.02 Conditional Uses*

| Conditional Use | Applicable Standards |
|---|---|
| **Telecommunications tower** | 11.02, 11.04, 11.05, 11.06, 11.10, 11.12, 11.16, 18.01 |
| **Off-premise sign** | 11.02, 11.07, 11.16, 18.01 |
| **Bus/truck terminal** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Recycling collection or processing facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Screening of all recyclable material from view. |

| Conditional Use | Applicable Standards |
|---|---|
| **Automobile storage yard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Screening of the storage yard with privacy fence, berm vegetation or placement on the lot. |
| **Broadcast tower** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Located at least 300 feet from a residential district. |
| **Motor vehicle repair shop** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>An adequate number of parking spots to store the cars and screen parts and materials from view. |
| **Municipally owned waste water treatment facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Airport** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Grain terminal; grain processing**<br>*(Amended: Ordinance No. 1000, 04-16-12)* | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |

## *8.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04).

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard | Maximum Height |
|---|---|---|---|---|---|---|
| **All Uses** | NA | 75 feet | 25 feet<br>see #4 | 10 feet<br>see #2 | 30 feet<br>see #3 | 35 feet<br>see #1 |

**Exceptions**

#1 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet.

#2 A side yard of 15 feet shall be required only where a lot is adjacent to or abuts a residential district.

#3 A rear yard of 35 feet shall be required where a lot is adjacent to or abuts a residential district.

#4 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.

#5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

#6 Waste water treatment facilities are exempt from minimum yard or set back requirements.

# 9

# 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.

## 9.01 Permitted Uses

| Permitted Use | Applicable Standards |
|---|---|
| **Wholesale trade** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **General manufacturing other than those listed below** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Farm store or feed store** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Contractor's shop/storage yard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to screening of all outdoor storage from view. |
| **Public utility facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Frozen food locker** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Wireless communication facility on existing support structure** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Electrical substation** | 11.02, 11.04, 11.12, 11.16<br>An opaque screen, six feet in height, must be located as far back as all setback lines. |
| **Retail** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Being an accessory use when in conjunction with a primary use of wholesaling or manufacturing. |

| Permitted Use | Applicable Standards |
|---|---|
| **A warehouse or mini-warehouse** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Subject to the materials stored on the premises shall have a Level 1 or below in the Fire Protection Guide on Hazardous Materials. |
| **Bus and truck wash** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>All water from the truck or bus wash being contained on the site. |
| **Truck repair, sales and service** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>No unscreened outdoor storage of parts. |
| **Fruit and vegetable canning and processing** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Refining** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. |
| **Motor vehicle repair shop** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16<br>An adequate number of parking spots to store the cars and screen parts and materials from view. |
| **Accessory structure (i.e. garage, shed)** | 11.02, 11.03, 11.16<br>*(see definition)* |
| **Airport** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Public service facility** | 11.02, 11.04, 11.06, 11.12, 11.16 |
| **Bus/truck terminal** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16 |
| **Fence** | 11.09, 11.16 |

## *9.02 Conditional Uses*

| Conditional Use | Applicable Standards |
|---|---|
| **Telecommunications tower** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01 |
| **Off-premise signs** | 11.02, 11.07, 11.16, 18.01 |

| Conditional Use | Applicable Standards |
|---|---|
| **Recycling collection facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>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** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Stockyards/slaughtering of animals** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Rendering** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. |
| **Distillation of products** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Paper manufacturing**<br>**Smelting**<br>**Boilerworks** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. |
| **Tank farm; petroleum products terminal** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Compliance with the City's fire and health code and traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Grain terminal; grain processing** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. |
| **Salvage yard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>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. |

| Conditional Use | Applicable Standards |
|---|---|
| **Manufacture and storage of electric transformers** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Chemicals associated with the transformers will be contained in an acceptable manner. |
| **Quarry/gravel pit** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Subject to the site being located at least 1,000 feet from commercial or residential properties. |
| **Automobile storage yard** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Screening of the storage yard with fence, berm, vegetation or placement on the lot. |
| **Recycling processing facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>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. |
| **Broadcast tower** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Being located at least 300 feet from a residential district. |
| **Solid waste transfer facility** | 11.02, 11.04, 11.05, 11.06, 11.12, 11.16, 18.01<br>Screening of the storage area with fence, berm, vegetation or placement on the lot.<br>Traffic to and from the facility will not travel on residential streets and the location shall not be located within ½ mile of a residential area. |

## *9.03 Lot and Yard Regulations*

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

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard | Maximum Height |
|---|---|---|---|---|---|---|
| **All Uses** | NA | NA | 35 feet<br>see #2 | 20 feet<br>see #3 | 30 feet<br>see #3 | 45 feet<br>see #1 |

**<u>Exceptions</u>**

#1 A conditional use permit will be required for any structure having a maximum height exceeding 45 feet.

#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 Side and rear yards shall have screening.

#4 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

# 10

# PD: PLANNED DEVELOPMENT DISTRICT

It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for planned development district projects in order to:

A. Encourage well-planned, efficient urban development.

B. Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.

C. Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features, including but not limited to underground parking, orientation or design to take advantage of solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces or other desirable design features.

D. Improve communication and cooperation among the City of Canton, land developers, and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.

*(Amended: Ordinance No. 1021, 10-21-13)*

## 10.01 Procedure

A. Initial development plan: When a petitioner wants to request a rezoning to the planned development district, it shall be submitted to the Authorized Official, showing the information specified in Section 10.02 below, a minimum of 30 days prior to the Planning Commission meeting at which consideration is desired. After the planned development request has been reviewed, the Planning Commission shall make a recommendation to the City Commission on the requested rezoning. The City Commission shall then act to approve or deny said request.

This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in Chapter 17. No building permit shall be issued within the development until the final development plan is approved and the plat is filed.

B. Final development plan: Prior to construction on any lots in the planned development, the petitioner shall present a final development plan showing the information specified in

Section 10.03 below, to the Planning Commission, who shall have the sole authority to approve, deny or amend said plan.

The final development plan may be submitted in conjunction with the initial development plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an initial and final development plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

At least one sign shall be posted on each accessible frontage of the property by the Authorized Official for a continuous period of ten (10) days immediately prior to any public hearing held by the Planning Commission or City Commission to consider any final development plan.

C. Amendments:

1. Major Amendments. Major amendments to the initial and/or final development plan shall be required to be approved with a public hearing in the same manner as provided for in Section 10.04.

2. Minor amendments. Minor amendments to the initial and/or final development plan shall be required to be approved by the Planning Commission. Notice of such hearing shall be given by the posting of at least one sign on each accessible frontage of the property by the Authorized Official for a continuous period of ten (10) days immediately prior to the public hearing. Notice shall also be sent by the Authorized Official to all owners of property adjacent to or within 250 feet of the perimeter of the property inclusive of public right-of-way. The mailed notice shall be sent by first class mail at least seven (7) days prior to the public hearing.

   Minor amendments to the initial development plan may also be made by the submission and approval of a final development plan which is changed from the approved initial development plan. Any such amendments shall be shown as a change from the initial development plan on the final development plan.

*(Amended: Ordinance No. 1021, 10-21-13)*

## *10.02 Initial Development Plan*

Upon application for rezoning to planned development district, the petitioner shall present an initial development plan to the Planning Commission for review, and to the City Commission, for their approval showing the following information:

A. Project name and legal description.

B. A preliminary subdivision plan in compliance with Article 4 of the Subdivision Ordinance.

C. The proposed development scheme showing the following information:

1. The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed nonresidential buildings and their square footage.

2. The proposed maximum density of the development.

3. The proposed minimum setbacks.

4. The proposed maximum height.

5. Proposed design features illustrating compatibility to the surrounding environment and neighborhood.

6. Anticipated subarea development sequence.

In addition the developer shall provide an 8 1/2 x 11 scaled rendering on mylar of the approved initial development plan showing each of the subareas.

*(Amended: Ordinance No. 1021, 10-21-13)*

## *10.03 Final Development Plan*

Prior to construction on any lots in the planned development zoning district, the petitioner shall present a final development plan to the Planning Commission for their approval.

Final development plan approval shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the Authorized Official and prior to the final development plan approval expiration date, a time extension of up to 180 days for the final development plan approval may be granted.

The final development plan shall show the following information:

A. The subdivision name, the legal description and the individual project name (if any).

B. Boundaries of the subarea or subareas submitted for approval superimposed on the map of the initial development plan.

C. A subdivision plat of the subarea or subareas submitted for approval in compliance with Section 502 of the Subdivision Ordinance.

D. A scale drawing showing the following information will be required:

1. Size and location of proposed structures including height and number of units.

2. Calculated floor area for each structure and a generic listing of the uses within said structure.

3. Off-street parking lot arrangement designating all parking spaces, off-street loading spaces and any outdoor trash container.

4. Any parks, open spaces, sidewalks, bikeways or other paths.

5. Any outdoor lighting, type and location, except for standard street lights provided by the City.

6. Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs and berms in areas that will be sod or seeded.

7. All existing and proposed utilities, drainage ways, water courses and location of above ground existing utilities on adjacent property.

8. Proposed final ground contours.

9. Curb cuts and all private drives.

10. Adjacent, existing and proposed uses.

11. First floor elevation for any structure located in a flood hazard area.

12. Accurate building elevation of all proposed structures.

13. Documentation of the ownership and maintenance responsibility of any common open spaces, structures or facilities, including private streets.

14. Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.

15. Proposed parking and loading spaces which shall be in conformance with Chapters 11.04 and 11.05, except where unique physical, environmental or design characteristics make such requirements undesirable.

*(Amended: Ordinance No. 1021, 10-21-13)*

## *10.04 Amendments*

A. Major amendments: The following changes in an initial and/or final development plan are considered major amendments:

1. Any change in the proposed land uses.

    a. Should follow a rezoning process [Chapter 17].

2. An increase in density above that provided for in Section 10.04 (B)(5) below.

    a. Should follow a rezoning process [Chapter 17].

3. Any adjustment in the size or shape of the building envelope (increasing the height).

    a. Should follow a rezoning process [Chapter 17].

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

1. Any reduction in the building setback.

2. Any change in the number or location of curb cuts.

3. Any decrease in the size of required open areas.

4. A minor change in the street pattern.

5. Any increase in density of a subarea:

    a. Less than 25 percent for a subarea with less than eight units.

    b. Less than 15 percent for a subarea with between nine and 20 units.

    c. Less than 8 percent for a subarea with twenty-one units or more.

6. Any change in the number of parking spaces.

7. Any minor change to on-premise signage.

*(Amended: Ordinance No. 1021, 10-21-13)*

## *10.05 Planned Development Districts*

Planned development districts shall be as enumerated below:

*(Amended: Ordinance No. 1021, 10-21-13)*

10.0501 The Meadows Planned Development District

A. SCOPE OF REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Ordinance when referred to in this Chapter are the district regulations in the The Meadows Planned Development District.

B. SUBAREAS A, B, C, D and E.

1. The land uses, including number and types of residential buildings, the number of dwelling units per building, the number and type of any non-residential buildings and their square footage.

**Subarea A**: Total of 36 townhouse buildings (144 townhouses). On street parking will not be allowed. No parking will be allowed adjacent to the center medians at any time.

**Subarea B**: A clubhouse building, guest house and a children's playground area shall be included in this subarea. This area shall contain a storm shelter in the clubhouse basement. All building structure(s) will be approved in the Final Development Plan. All of Subarea B is Association owned.

**Subarea C**: This area is focused as a private recreational area including a swimming pool, basketball court, and also individual garden plots for residents plus area for the association managed garden area and fruit tree area. This subarea will be Association owned.

**Subarea D**: A total of 7 townhouse buildings (28 townhouses). Overnight on street parking will not be allowed. Temporary seasonal parking for up to one hour will be allowed in the cul de sac for loading and unloading purposes to assist use of the park area in Block 9 from April 1 to November 1. This temporary parking will only be allowed between the hours of 6:00 a.m. to 10:00 p.m.

**Subarea E**: An integrated parkway system is planned for The Meadows.

- The parkway system will include a concrete or asphalt walking path of approximately 5,074 feet in length that circles the development. Placement of this walking path within the development will be along its south, west, north and east perimeter lengths. This walking path is located at a distance no greater than one block from every residence in the development.

- All streets will contain a 12' wide center median. These center medians will be established by the developer and planted with ornamental vegetation which includes trees, shrubs and flowering plants as installed in form and manner acceptable to the City.

- 6.61 acres located at the southeast corner of this property (Block 9) adjacent to Beaver Creek will be a private park area.

2. Signs. Monument signs will be placed at the entrances to the development along Bridge Street on the north edge of Meadows Boulevard and along Lynn Street. Additional signs will be placed in Block 5 & 6 which will be no greater than 42 square feet in size each.

3. The maximum density of the development is 172 townhouses (4 plexes).

4. The minimum setbacks:

   Minimum front yard – 26' up to 44'
   Minimum side yard – 30' (this is the minimum distance between townhouse buildings)
   Minimum back yard – 30'
   Maximum height – 35' (58' only when a 3rd story building is constructed and three story buildings are only allowed in the twelve townhouses located in Block 8.)

5. Accessory Uses. Accessory uses shall be regulated in conformance with the provisions of Section 11.03.

6. Parking Regulations. Parking in Blocks 1, 2,3,4,7 and 8 shall be regulated in conformance with the provisions of Section 11.04.

7. Other Regulations. Other regulations for Subareas A, B, C, D and E shall be:

   a. The developer will utilize the following design features:

      i. walking path
      ii. park area in Block 9 adjoining Beaver Creek
      iii. center medians in boulevards
      iv. rain gardens placed near every home to assist in rooftop run-off water management
      v. individual and association managed garden area

   b. All infrastructure to serve the development shall be constructed in form and manner as approved by the City Engineer in writing.

   c. Execution of an Assurance Agreement in a form and manner that is

acceptable to the City.

*(Amended: Ordinance No. 1018, 10-07-13)*

# 11

# *ADDITIONAL USE REGULATIONS*

## *11.01 Reserved*

## *11.02 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, evergreen or coniferous tree or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points 40 feet distant in each direction from the intersection of the curbs and a straight line connecting the first two lines. (See Figure 1)

B. Driveway safety zones: No monument style sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, evergreen or coniferous tree 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)

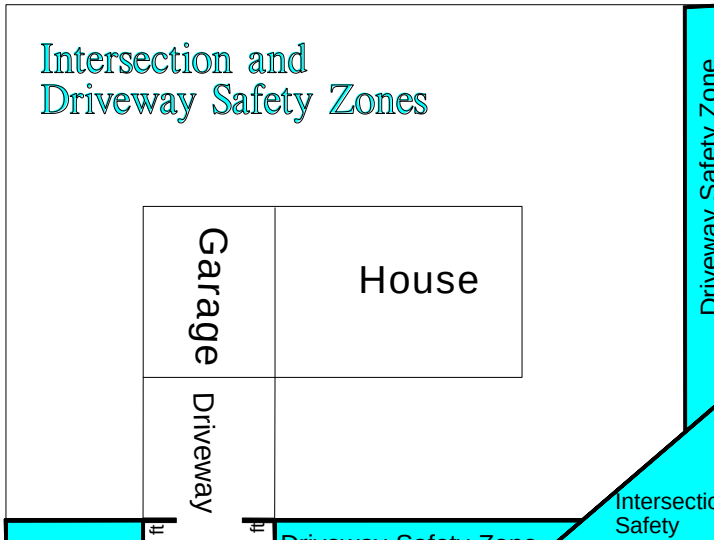


**Figure 1**

## *11.03 Accessory Buildings, Recreational Facility and Miscellaneous Structures*

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. Accessory buildings may not be used for dwelling purposes.

B. Residential Districts.

1. Accessory buildings and detached private garages:

a. Shall be setback at least seven feet from the side and rear property lines.

b. Shall not be located in front of the principal structure.

c. Cloth, canvas, plastic sheets and tarps and similar materials, corrugated roofing or siding are not allowed as primary materials, except greenhouses are allowed to have sheeting (glass or plastic) of prescribed building thickness as an outer covering. As an exterior material, steel siding and roofing is allowed provided it is architectural grade.

d. A detached private garage which is entered directly from an alley shall not be closer than fifteen feet to the alley.

e. The exterior finish of detached private garages shall be of materials compatible with the principal structure in color and texture.

f. The architectural design of detached private garages must be similar to the principal structure.

g. Shall not occupy more than 30 percent of the rear yard.

2. Miscellaneous structures.

a. Swing sets, sandboxes, play structures, dog kennels, satellite dishes and similar structures shall not be located closer than five feet from the side or rear property lines, and shall not be located within the front yard setback.

3. Recreational facility.

    1. Shall be set back at least five feet from the side and five feet from the rear property lines.

    2. Shall not be placed on drainage, utility or other easements.

    3. Shall not be located in front of the principal structure.

C. Nonresidential districts.

1. One accessory building is allowed. Exception: Picnic shelters, gazebos and similar structures may be allowed as additional accessory structures.

2. The maximum floor area allowed is 200 square feet. Exception: Size may be increased with a conditional use permit.

3. Exterior finish shall be of materials compatible with the principal structure in color and texture.

4. Architectural design must be similar to the principal structure.

5. Location of the accessory structure shall have minimal negative impact on the site and adjacent properties and shall meet the setbacks of the district.

6. Accessory structures shall not exceed the height of the principal structure.

7. Shall not be located in front of the principal structure.

*(Amended: Ordinance No. 1003, 06-18-12)*

## *11.04 Off-Street Parking*

A. General Conditions

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, provided it is not nearer than two (2) feet to the property line.

2. Driveways shall not exceed 36 feet in width. An exception for 40 feet driveways shall be allowed for businesses expecting tanker truck traffic.

3. Each parking space shall be directly accessible to an access aisle.

4. Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle in a UR, R or MH Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

5. All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

6. The parking requirements in this section shall not be applicable to property in the CB Central Business District, except for residential uses which are authorized by a conditional use permit.

B. Required Parking Spaces

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

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

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

| USES & STRUCTURES | MINIMUM PARKING REQUIREMENTS |
|---|---|
| **High school** | 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. |
| **Elementary school** | 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. |
| **Eating and drinking places** | One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three seats, whichever is greater. |
| **Hospitals** | One (1) space for each bed. |
| **Nursing, convalescent and rest homes** | One (1) space for each three (3) beds. |
| **Auditoriums, theaters and places of public assembly** | One (1) space for each four (4) seats of design capacity. |
| **Hotels and motels** | One (1) space for each two (2) rental rooms. |
| **Mortuaries** | One (1) space for each four (4) seats in the chapel. |
| **Retail sales establishments** | One (1) space for each three hundred (300) square feet of floor area. |
| **Medical and dental clinics** | 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. |
| **Manufactured home parks** | Two (2) spaces for each manufactured home lot. |

| USES & STRUCTURES | MINIMUM PARKING REQUIREMENTS |
|---|---|
| **Industrial uses** | One (1) space for each two (2) employees on the maximum working shift. |
| **Service establishments** | One (1) space for each three hundred (300) square feet of floor area. |
| **Wholesale and distribution establishments** | One (1) space for each two (2) employees on the maximum working shift. |

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

## *11.05 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<br>every additional 75,000 | One 14' x 35' space<br>Add one 14' x 35' space |
| **Retail, Service and Trade Establishments and Industrial and Wholesale Commercial** | 5,000 - 20,000<br>20,000 - 100,000<br>Every additional 75,000 | One 14' x 35' space<br>Two 14' x 35' spaces<br>Add one 14' x 35' space |

## *11.06 On-Premise Signs*

| Districts | Permitted Signs | Sign Area (maximum) | Sign Height (maximum) |
|---|---|---|---|
| **UR, R, MH, for specified uses only*** | Freestanding | 15 square feet | 6 feet above grade |
| **R & MH** | Wall | 1 square foot | On wall only |
| **CB & GB** | Wall, roof, and projecting | 2 square feet per 1 foot of lineal street frontage with a maximum of 200 sq. ft. | Wall = on wall only<br>Roof and projecting = 5 feet above roof line |
| **CB & GB** | Freestanding | 1 square foot per 1 foot of lineal street frontage with a maximum of 200 sq. ft. | GB = 15 feet above grade<br>CB = 18 feet above grade |

| | | | |
|---|---|---|---|
| **LI & HI** | Freestanding | 1 square foot per 3 lineal feet of street frontage with a maximum of 100 sq. ft. | 20 feet above grade |
| **LI & HI** | Wall, roof, and projecting | 1 square foot per 3 lineal feet of street frontage with a maximum of 100 sq. ft. | Wall = on wall only<br>Roof and projecting = 5 feet above roof line |

* Specified uses are listed within the district's permitted uses applicable standard tables (sections 3.01, 3.02, 4.01, 4.02, 5.01, and 5.02)

## *11.07 Off-Premise Signs*

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

A. Off-premise signs will be allowed a maximum size of 200 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.

## *11.08 Other Permitted Signs*

The following types of signs shall be permitted in all zoning districts unless otherwise prohibited:

A. Temporary signs

1. Contractor's Signs - Signs identifying individual contractors associated with any residential constructions shall be limited in size to 12 square feet.

2. Construction Signs - Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 32 square feet. No sign shall be located within any right-of-way nor shall any sign be located so as to obstruct visibility. Additionally, the placement of all signs shall conform with the provisions of Section 11.02. The sign shall be confined to the site of construction and shall be removed within ten (10) days of the beginning of the intended use of the project. In the case of a building intended for multiple tenants, the construction sign shall be removed upon the occupancy of 50 percent of the gross floor area.

3. Real Estate Signs - Real estate signs not exceeding twelve (12) feet in area advertising the sale, rental, or lease of the premise or part of the premise on which the

signs are displayed and shall not be located closer than ten (10) feet to any lot line. All such signs shall be removed within ten (10) days of the sale, rental, or lease, and shall be placed only on the property which is for sale or lease.

4. Temporary Subdivision Construction Signs -

   a. One temporary sign at each street entrance to a new subdivision is permitted. Such signs shall not exceed thirty-two (32) square feet and shall be limited to the name of the subdivision, the developer and the developer's address and telephone number.

   b. No temporary subdivision sign shall be erected prior to receiving preliminary plat approval by the City Commission. Temporary subdivision signs are permitted for a period of one (1) year from the date of construction, provided that they shall be removed upon the erection of permanent subdivision identification signs. Temporary subdivision signs are subject to permit requirements.

B. Political Campaign Signs - Political campaign signs announcing candidates seeking public offices, issues and other data pertinent thereto. There shall be no limit to the number of signs per premise. These signs shall be confined within private property and not within the street right-of-way.

C. Banners - Banners advertising public, church, or service organization entertainment or events may be approved by the Authorized Official. Banners will be allowed during and for fourteen (14) days before and three (3) days after the event.

D. Grand Opening Signs - Grand opening signs announcing the commencement of new business entities shall be allowed for a period of fourteen (14) days prior to and fourteen (14) days after the announced opening date for the business. Such signs require a permit, but shall be exempt from fees.

E. Portable Signs - Portable signs with message boards advertising special products or otherwise promoting business or individuals are not permitted, except as follows:

   1. The Authorized Official may issue a fourteen (14) day permit for a portable sign to be established at an approved location as a temporary portable sign upon an application stating that such request is for a special event or promotion.

F. Temporary Uses and Special Events - Signs associated with events and temporary uses operated by nonprofit and not for profit entities shall conform to the provisions of this chapter including permit requirements. However, these signs shall be exempt from fees.

G. Individual Sale Signs - Signs advertising garage sales, rummage sales, yard sales, and similar types of sales do not require permits. Said signs shall be four (4) square feet or less

and shall not be located in any right-of-way. Individual sale signs shall be allowed only during the actual days of the sale and shall be removed by the operator after the sale.

H. Roadside Sales Stand - Signs identifying roadside sales stands are permitted in all zoning districts, subject to the following:

1. One sign shall be permitted off-site to advertise the sales stand, provided that the sign does not exceed twelve (12) square feet and is not located in a public right-of-way. Additionally, written evidence of the property owner's permission to erect the sign must be presented with the permit application.

2. Signs for roadside sales stands are permitted only for the season during which the stand is open.

I. Public signs - Public building bulletin boards not exceeding twelve (12) square feet in area, traffic and public signs, no trespassing or similar signs and legal notices.

J. Menu signs - Signs that give menu items and prices for drive-up windows shall not exceed thirty-two (32) square feet.

K. Electronic signs - Electronic signs are permitted by conditional use.

## *11.09 Fences*

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

A. No barbed wire fence shall be erected or maintained.

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

C. For R, MH or CB District - Fences not more than eight (8) feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four (4) feet in height may be located on any part of the lot.

D. On double frontage and corner lots used residentially, fences not more than six (6) feet in height may be placed in a required front yard abutting an arterial or collector street where:

1. The required front yard abutting an arterial or collector street is not used as the front yard.

2. The fence is set back a minimum of ten (10) feet from the property line abutting the arterial or collector street.

3. Intersection safety zones are maintained.

E. For GB, LI or HI District - Fences not more than eight (8) feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use. Whenever outside storage is permitted an opaque fence is required.

F. No fence shall be erected which violates *11.02 - Visibility at Intersections.*

G. To preserve the neighborhood character of the Residential districts, fences along the perimeter of a front yard shall be at least 50% open and consist of an ornamental-type fence, including aluminum/iron, picket or split-rail.

H. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight (8) feet and for public tennis courts twelve (12) feet on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.

I. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.

J. The side of the fence considered being the face (facing as applied to fence post) should face abutting property.

K. The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.

L. Fences that are adjacent to sidewalks shall be one (1) foot away from the sidewalk.

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

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

A. A minimum distance of three hundred (300) feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.

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

C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.

D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

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

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

A. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.

B. All single-family dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.

C. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Use of flat or corrugated sheet metal for roofing shall not be permitted.

D. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted. Roofing material requirements may receive a variance.

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 primary exterior finish of each residence shall be sided with hardboard siding, aluminum siding, steel siding, vinyl siding, stucco, brick, rock, wood or similar material. The use of corrugated sheet metal for exterior walls is prohibited.

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 Authorized Official or his or her designee shall inspect and authorize all dwellings moved into the City of Canton. For the purposes of these regulations, manufactured housing shall be allowed only in the MH Manufactured Housing Residential District.

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

## *11.12 Landscaping Standards*

It is the desire of the City of Canton 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 or sidewalks (see 11.04).

B. Within GB, LI and HI districts, one tree per 50 feet of lot width is required. No more than 25 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees. To prevent the spread of disease and tree loss, local ordinances may from time to time prohibit the planting of specific types of 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.

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. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.

F. Screening: A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six 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 five (5) feet shall be provided between a parking lot and residentially zoned property.

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

H. Lighting Standards: When property is adjacent to or within 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 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

4. The maximum number of canopy luminaries shall be determined by the following industry standard:

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

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.

## *11.13 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, except family day cares. No other employees shall be hired.

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 1 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. No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation.

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 or heat noticeable beyond the premises.

9. Home occupations shall be restricted to the hours of 6:00 a.m. to 9:00 p.m.

10. The operation of a family day care with no more than six (6) children or adults.

B. Major home occupations. Any proposed home occupation which does not meet the criteria as established in this Section 11.13(A) is deemed a major home occupation and shall require a conditional use as established by Section 18.01.

## *11.14 Manufactured Home Requirements*

A. The manufactured home shall meet or exceed the current federal Manufactured Home Construction and Safety Standards.

B. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than four (4) feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than twelve (12) feet apart along the perimeter of the structure. Such tie downs shall extend down no less than four (4) feet below grade.

C. Each manufactured home shall be skirted with material approved by the Zoning Administrator. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material which is compatible with the appearance and condition of neighboring dwelling units. Appropriate materials shall include commercially manufactured colored steel, fiberglass, plastic or masonry materials. Tie downs and skirting shall be installed prior to occupancy.

D. Each manufactured home shall be connected to the municipal wastewater collection system and municipal water supply system.

E. The manufactured home shall be aesthetically compatible with neighboring dwelling units, including but not limited to the following factors: width, length, area, number of stories, siding and roofing materials, roof style and pitch, and condition.

F. No manufactured home placed within the City limits of Canton may exceed twenty years from the date of manufacture.

## *11.15 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.

## *11.16 Airport Approach Zones*

A. Approach Zone:

1. Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to fifty (horizontal) projected from a point 200 feet beyond the end of a runway for a distance of 10,000 feet, said plane to be in the shape of symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of one (vertical) to forty (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical trapezoid 4,000 feet in width at its lowest point and 16,000 feet in width at its highest point.

2. Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to forty (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point.

B. Transition Zones. Within the established transition zones adjacent to each instrument and non-instrument runway and approach zone, no building, structure or growth shall be erected, altered or permitted to project above a plane with a slope of one (vertical) to seven (horizontal). Transition zones extend outward and upward from a line (*) feet on either side of the center line of non-instrument runways for the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and non-instrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intercept to the surfaces of the horizontal and conical zones.

C. Conical Zone. Within (*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones. Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (*) feet, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to twenty (horizontal). Exception: Nothing in this subparagraph shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to twenty feet above the surface of the land.

D. Runway Object Free Area. No construction shall occur in the runway object free area, except for objects that need to be located for navigation or aircraft ground maneuvering purposes.

E. Runway Protection Zone. The following uses shall not be allowed in the Runway Protection Zone:

1. Fuel storage facilities.

2. Residential structures (homes, condominiums, apartments and manufactured housing parks).

3. Places of public assembly (places of worship, schools, hospitals, office buildings, shopping centers or other uses with similar concentrations of people).

(*) The applicable distance in feet (referenced in this Section) must be based on runway length as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.

# 12

# ADJUSTMENTS TO YARD REGULATIONS

## 12.01 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.

## 12.02 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.

## 12.03 Projection From Buildings

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

A. Eaves may project into a front, side, or rear yard;

B. Ordinary projection of sills, belt courses, cornices, vertical solar screen, ornamental features which may project twelve (12) inches;

C. Air conditioners may project into a required side or rear yard setback;

D. Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet;

E. An open, unenclosed porch may project into a required front yard for a distance not exceeding ten feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six 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 feet; and

F. Terraces, uncovered porches, platforms, decks, and ornamental features which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distances at least five feet from the adjacent side or rear lot line.

# 13

# NON-CONFORMING AND NON-STANDARD USES

## 13.01 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 Commission 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.

## 13.02 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.

# 14

# ADMINISTRATION AND ENFORCEMENT

## 14.01 Appointment

The Authorized Official is hereby authorized and directed to enforce all the provisions of the Zoning Ordinance and establish rules for its administration. For such purposes he or she shall have the powers of a law enforcement officer. The Authorized Official shall be a City employee, with work week, hours of work and salary to be determined by the City Commission or another person approved by the City Commission. With approval of the City Commission, the City Manager shall appoint the Authorized Official.

## 14.02 Powers and Duties

The Authorized Official shall have the power to render interpretations of this Ordinance. Such interpretations shall be within the intent and purpose of the Zoning Ordinance, and be set forth in writing. In addition, the Authorized Official may appoint or solicit technical advice, inspectors, city officials and other city employees to assist with the administration of the Zoning Ordinance.

## 14.03 Right of Entry

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

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

## 14.04 Stop Order

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

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

# 15

# BUILDING PERMITS AND FEES

## 15.01 Building Permits

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

A. An Application for Building Permit, available from the Authorized Official of the City of Canton, shall be completed by the landowner, landowner's representative or contractor requesting the Building Permit. Completed applications shall be returned to the Authorized Official of the City of Canton for review. To be considered complete, the application form shall be accompanied by the following additional items:

   1. Any required attachments and City fees;

   2. One copy of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration;

   3. Any additional information, as requested by the Authorized Official of the City of Canton, as lawfully may be required to determine conformance with and provide for the enforcement of this Ordinance.

B. A copy of the plans shall be returned to the applicant, after the Authorized Official of the City of Canton has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. A copy of the plans, similarly marked, shall be retained by the Authorized Official of the City of Canton for City records.

C. If the Authorized Official of the City of Canton 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 Authorized Official of the City of Canton shall inform the applicant when one of the following processes may be applicable:

   1. Variance

2. Amendment

3. Conditional Use Permit

Issuance of a Building Permit shall indicate that, in the opinion of the Authorized Official of the City of Canton, 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.

## *15.02 Fees*

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

## *15.03 Expiration of a Building Permit*

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

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required for this section for good and satisfactory reasons. The Authorized Official may, except as otherwise provided herein, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

# 16

# BOARD OF ADJUSTMENT

## 16.01 Establishment

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

## 16.02 Powers and Duties

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

A. To hear and decide appeals where it is alleged there is error in any requirement or determination made by the Authorized Official of the City of Canton in the enforcement of this Ordinance.

B. To hear and decide upon petitions for variances to vary the strict applications of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. A variance shall not be allowed to vary the use regulations.

## 16.03 Appeal Procedure

A. Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be filed with the Authorized Official of the City of Canton and with the Board of Adjustment. The Authorized Official shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. Such notice of appeal shall be presented to the Authorized Official and the Board of Adjustment within ten (10) days after the filing of the decision in the office of the Authorized Official.

B. The Board of Adjustment shall keep a public record of all findings and decisions. All meetings shall be held at the call of the Chairman or City Manager and at such other times as necessary. Each session at which an appeal is to be heard shall be a public meeting. No less than ten (10) days before the public hearing, the Authorized Official of the City of Canton shall publish notice of the public hearing in a legal newspaper of the City and shall provide notice of the hearing by mail to the appellant.

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.

## *16.04 Variances*

A. 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:

1. 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.

2. 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.

3. The variance requested is the minimum variance that will alleviate the hardship.

4. 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.

5. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered the sole grounds for the issuance of a variance.

6. 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.

B. 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.

C. An Application for a Variance, available from the Authorized Official of the City of Canton, shall be completed by the landowner requesting the Variance. Completed

applications shall be returned to the Authorized Official for review. To be considered completed, the application shall contain the following information:

1. Legal description of the land on which such variance is requested, together with local street address;

2. Name and address of each owner of the property;

3. Signature of at least one of the owners of the property;

4. Name, address, phone number and signature of the applicant;

5. Zoning district classification under which the property is regulated at the time of such application;

6. Description of the variance sought from the Zoning Regulations; and

7. Be accompanied with a site plan, unless waived by the Authorized Official.

D. The Authorized Official shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

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

F. The public hearing shall be held. The applicant may appear in person, or by agent or attorney. If no one is present who can answer questions from the Board of Adjustment, the decision can be tabled to a later time or date until questions can be answered. 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.

## *16.05 Court Review*

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition duly verified, setting forth that such decision is illegal,

in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the Board's decision as provided in SDCL 11-4-25.

# 17

# *AMENDMENTS AND CHANGE OF ZONE*

## *17.01 Procedure*

Zoning amendments and change of zones are changes to the City of Canton'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 Authorized Official of the City of Canton shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning Commission for review.

B. The Authorized Official of the City of Canton shall set the date, time and place for a Planning Commission public hearing. The Authorized Official of the City of Canton 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 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 Planning Commission.

D. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Commission.

E. The Authorized Official of the City of Canton shall set the date, time and place for a City Commission public hearing. The Authorized Official of the City of Canton 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 Commission to consider any rezoning application.

F. The City Commission 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 Commission, the amendment shall take effect twenty days after publication, unless the referendum shall have been invoked or unless a written protest be filed with the Finance Officer, signed by at least 40 percent of the owners of equity in the lots included in any proposed district and the lands within 250 feet from any part of such proposed district. A corporation shall be construed to be a sole owner, and when parcels of land are in the name of more than one person, owner representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners. If a protest is filed, the ordinance does not become effective unless the ordinance is approved two-thirds of the governing body of the municipality. The protest provisions of this section do not apply to any ordinance regulating or establishing floodplain areas

H. No application shall be heard by the City on a request for a zoning district classification change on any real property that is entirely or substantially the same as that which had previously been denied by the City Commission before the expiration of six months from the date of final action by the City Commission, or before the expiration of one year from the from the date the prior application failed to receive approval after a protest had been filed by the surrounding owners. It shall be an exception to the one year waiting period if the applicant files a written consent signed by the owners of at least sixty (60) percent of the aggregate area having the right of protest as set forth in 17.01(G) or if the request is for a different zoning classification than the prior application.

# 18

# CONDITIONAL USE PERMITS

## 18.01 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 9. 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 with the Authorized Official on a form furnished by the City. 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. Signature of at least one owner of the property.
4. Name, address, phone number and signature of the applicant.
5. Zoning district classification under which the property is regulated at the time of such application.
6. Be accompanied with a site plan, unless waived by the Authorized Official.
7. Any other information concerning the property as may be requested by the Authorized Official or the Planning Commission.

C. Fees

Upon the filing of any application for a Conditional Use Permit with the Authorized Official, the applicant shall pay to the City the appropriate fee as designated by Resolution

of the City Commission.

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 Authorized Official may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

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

Approved plans shall not be changed, modified, or altered without authorization from the 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 Authorized Official shall meet with the applicant to review the application. After review of the application, the Authorized Official shall make a recommendation to the Planning Commission to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

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

The following procedure shall be followed by the Planning Commission in considering the recommendation of the Authorized Official:

1. The public hearing shall be held. Any 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 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 18.01(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 Commission. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Authorized

Official within five working days of the Planning Commission's oral decision. When an appeal is filed, the Authorized Official shall present the Planning Commission's decision to the City Commission for review. The Authorized Official shall set the date, time and place for a public hearing to be held by the City Commission. No less than ten (10) days prior to the scheduled public hearing, the Authorized Official shall notify the landowner by mail, post notices at the City Office and on the property affected by the proposed Conditional Use Permit and publish notice of the public hearing in the legal newspaper of the City. The City Commission shall vote to 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 Authorized Official and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted by the Authorized Official.

A conditional use permit approved in accordance with Chapter 18 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

# 19

# DEFINITIONS

## 19.01 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.

## 19.02 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 - As applied to use, accessory means customarily subordinate or incidental to that of the main building or to the main use of the premises, and located on the same lot with such use or structure.

ACCESSORY BUILDING - A subordinate detached building of which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use. Unenclosed playhouses and/or gazebos, uncovered swimming pools or decks shall be excluded from the definition of the term "accessory buildings".

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.

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 land useful to man, including but not limited to: forages sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

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 that is used primarily for vehicular service accesses to the backs or sides of properties which otherwise abuts on the streets.

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.

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

AUTHORIZED OFFICIAL - The person, officer or official and his or her authorized representative designated by the City Commission to administer these regulations.

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

AWNING/CANOPY - A roof-like cover, retractable or permanent, that projects from the wall of a building.

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

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.

BUFFER ZONE FENCING - Fencing should be of privacy type.

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 and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or firewall without any window, which wall extends from the ground to the roof, then such portion shall be deemed a separate building.

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

BUILDING ENVELOPE - The setback lines that establishes an area on a lot in which building can occur.

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 Authorized Official of the City of Canton, or designee, 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.

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

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

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

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

CITY - Means City of Canton, South Dakota.

CITY COMMISSION - Means Board of City Commission Members, Canton, South Dakota.

CLEAR ZONE - Means a buffer area established at each end of the airport runways as legally described and recorded at the Lincoln County Courthouse.

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.

CODES - Means any codes or other regulations that the City Commission has adopted which include, but are not limited to the fire code, health code, building code, plumbing, heating and electrical codes.

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

COMMISSION - Means City Planning Commission of Canton, 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.

COVENANT OR RESTRICTIVE COVENANT – Means a legal restriction on use of property or a contract between the seller and the buyer of the land affecting use of the land.

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

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

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

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

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 Canton 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, 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.

DWELLING, TOWNHOUSE - One of a group or row of two or more attached 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, TWO-FAMILY. A detached building designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort-type hotels.

DWELLING 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.

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

ELECTRONIC MESSAGE OR GRAPHIC SIGNS - Signs on which displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed at periodic intervals by various modes; such as fad dissolve, scrolling or traveling.

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

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

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

1. A person residing with the family for the purpose of adoption;

2. Not more than six persons under eighteen years of age, residing in a foster home licensed or approved by a governmental agency;

3. Not more than four persons eighteen years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency;

4. Any persons living with the family at the direction of a court; and

5. Twenty four hour supervised living of persons with physical or mental disabilities, but not including group homes for drug and alcohol rehabilitation or halfway houses for persons adjudicated by a court. Such residential facilities shall be licensed by the State of South Dakota and proof of such licensing shall be required prior to zoning certificate approval.

FARM - A parcel of land used for agricultural purposes, with a minimum of ten 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 automobile repair work or sale of auto accessories, or testing may be done. Gasoline pumps and islands shall be located more than twelve 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.

HARDSHIP - A hardship exists if the property owner was forced to comply with the provisions of an ordinance, and he or she would be unable to make “reasonable” use of the property. The hardship does not include a personal hardship caused by failure to comply with the ordinance. The hardship must be created by the unique attributes of the property, not by personal problem or needs of the owner.

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 11.13 of these zoning regulations.

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

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

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

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

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

LIGHT MANUFACTURING - Those manufacturing processes which are not obnoxious due to dust, odor, 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.

LOADING SPACE, OFF-STREET - Off-street loading space means a space logically and conveniently located for bulk pickups and deliveries and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking spaces.

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

LOT 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, 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 right-of-way line.

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

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

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

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten 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 five (5) feet to any lot line.

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

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

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

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

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

MANUFACTURED HOME PARK, LICENSED - A contiguous parcel of land operated as a unit, under the same ownership where six or more lots are rented for the temporary placement of

manufactured homes, with all necessary facilities and services, and is licensed by the City of Canton.

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.

MODULAR HOME - A pre-built structure which can be transported on a steel undercarriage. The steel undercarriage is not permanent, not a necessary structural component of the structure and is removed when the structure is placed on a permanent foundation.

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

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

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

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

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

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

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

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

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

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

NEIGHBORHOOD UTILITY FACILITY - Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings, facilities and above ground structures that exceed 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.

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

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.

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

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

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

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

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

PERMANENT FOUNDATION - A continuous foundation around the perimeter of a structure, which, at 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 structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features.

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

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

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

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

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

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

PROPERTY LINE - See (Lot 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.

REPAIR SHOP - Repair shop means a structure where activities may include major mechanical, minor welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in a filling station.

RESIDENCE - A permanent dwelling place.

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

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

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

ROOMING/BOARDING HOUSE - See (Boarding House).

RUNWAY OBJECT FREE AREA - An area 125 feet horizontally, from each side of the airport runway center line, and 240 feet horizontally from the end of each existing and future airport runway.

RUNWAY PROTECTION ZONE - An area starting 200 feet and extending to 1200 feet from the approach end of each existing or future airport runway. The width of the area is 125 feet horizontally from the airport runway center line, 200 feet from the approach end and extending to 225 feet horizontally from the airport runway center line, 1200 feet from the approach end of the runway.

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

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

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

SHALLOW/SURFICIAL 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 clay, till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability material for purposes of this Ordinance; or, the aquifer is greater than fifty (50) feet but less than one hundred (100) feet below the land surface with thirty (30) feet or less of continuous overlying low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.

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

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

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

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

SIGN (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 way which affords the principal means of access to abutting property.

STREET, ARTERIAL - A principal traffic artery, more or less continuous across the city, which acts as a principal connecting street with 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, and sheds.

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

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

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

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

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

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.

VARIANCE - The authorization, following a hearing, for a property owner to depart from the requirements of a zoning ordinance, within the limits as set for the variance as authorized by this Ordinance.

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.

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 secondary front yard.

YARD LINE - See (Building Line).

YARD, REQUIRED REAR - The required rear yard shall extend across the rear of a lot between the 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 Canton within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

ZONING MAP - Any map adopted as an ordinance by the municipality that delineates the extent of each district or zone established in the zoning ordinance.

ZONING ORDINANCE - Means a set of land use regulations enacted by the local governing body to create districts, which permit certain land uses and prohibits others. Land uses in each district are regulated according to type, density, height and the coverage of buildings.