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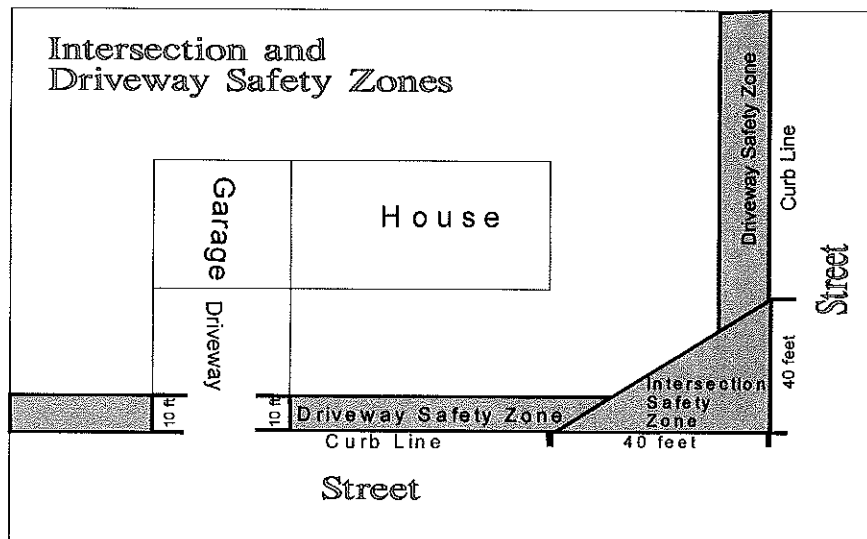
## ADDITIONAL USE REGULATIONS

### 10.01 Reserved

### 10.02 Visibility at Intersections and Driveways

- A. Intersection safety zones: No monument style sign or other sign with its face less than twelve feet above grade or any fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within 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 feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten feet behind the curb line. (See Figure 1)

Figure 1



### **10.03 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. Detached Garages and Accessory buildings:
  - 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. Shall not be more than one story in height.
  - d. Cloth, canvas, plastic sheets and tarps and similar materials are not allowed as primary materials, except greenhouses are allowed to have sheeting (glass or plastic) of prescribed building thickness as an outer covering.
  - e. Any detached garage which is entered directly from an alley shall not be closer than fifteen feet to the property line abutting the alley.
  - f. Shall not occupy more than thirty 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 seven feet from the side or rear property lines, and shall not be located within the front yard setback.
3. Recreational facility.
  - a. Shall be set back at least seven feet from the side and seven feet from the rear property lines.
  - b. Shall not be placed on drainage, utility or other easements.

c. 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 two hundred 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.

**10.04 Off-Street Parking**

A. General Conditions

1. No parking spaces are permitted in the required front yard in any district except for portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this title. Parking is permitted in a side yard or rear yard in a R-1 or R-2 District, provided it is not nearer than two feet to the property line.
2. Each parking space shall be directly accessible to an access aisle.
3. 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 A, R-1 or R-2 Zoning District, unless the vehicle is parked in connection with the performance of a service.
4. All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.
5. 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**

<b>USES &amp; STRUCTURES</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
<b>Single-family and two-family dwellings</b>	Two spaces for each dwelling unit.
<b>Multiple-family dwellings</b>	One and one-half spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
<b>Rooming and boarding houses, sororities and fraternities</b>	One parking space for each two hundred square feet of floor area (one space per two beds).
<b>Bowling alleys</b>	Four spaces per lane.
<b>Church or Temple</b>	One space for each four seats in main setting area.
<b>Private club or lodge</b>	One parking space for each three hundred square feet of floor area.
<b>High School</b>	Four spaces for each classroom or office room, plus one for each one hundred fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Elementary School</b>	Two spaces for each classroom or office room, plus one for each one hundred fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
<b>Eating and Drinking Places</b>	One space for each one hundred square feet of gross floor area or one space for each three seats, whichever is greater.
<b>Hospitals</b>	One space for each bed.

<b>USES &amp; STRUCTURES</b>	<b>MINIMUM PARKING REQUIREMENTS</b>
<b>Nursing, convalescent and rest homes</b>	One space for each three beds.
<b>Auditoriums, theaters and places of public assembly</b>	One space for each four seats of design capacity.
<b>Hotels and Motels</b>	One space for each two rental rooms.
<b>Funeral homes</b>	One space for each four seats in the chapel.
<b>Retail sales establishments</b>	One space for each three hundred square feet of floor area.
<b>Medical and dental clinics</b>	One space for each two staff members and full-time employees, plus one space for each six hundred square feet of gross floor area.
<b>Manufactured home parks</b>	Two spaces for each manufactured home lot.
<b>Industrial uses</b>	One space for each two employees on the maximum working shift.
<b>Service establishments</b>	One space for each three hundred square feet of floor area.
<b>Wholesale and distribution establishments</b>	One space for each two 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.

### **10.05 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.

<b>Use</b>	<b>Gross square feet floor area</b>	<b>Number of Off-street loading spaces</b>
<b>Office Buildings</b>	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space

Use	Gross square feet floor area	Number of Off-street loading spaces
<b>Retail, Service and Trade Establishments and Industrial and Wholesale Commercial</b>	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space. Two 14' x 35' spaces. Add one 14' x 35' space.

### 10.06 On-Premise Signs

Districts	Permitted Signs	Sign Area (maximum)	Sign Height (maximum)
<b>A, R-1, R-2, for specified uses only*</b>	Freestanding	Fifty square feet.	Six feet above grade.
<b>R-1 &amp; R-2</b>	Wall	One square foot.	On wall only.
<b>CB &amp; GB</b>	Wall, roof and projecting	Two square feet per one foot of lineal street frontage with a maximum of 200 sq. ft.	Wall: on wall only Roof and projecting: five feet above roof line
<b>CB &amp; GB</b>	Freestanding	One square foot per one foot of lineal street frontage with a maximum of two hundred sq. ft.	GB: thirty feet above grade CB: eighteen feet above grade
<b>I-1 &amp; I-2</b>	Freestanding	One square foot per three lineal feet of street frontage with a maximum of one hundred sq. ft.	Twenty feet above grade.
<b>I-1 &amp; I-2</b>	Wall, roof and projecting	One square foot per three lineal feet of street frontage with a maximum of one hundred sq. ft.	Wall: on wall only Roof and projecting: five feet above roof line

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

### 10.07 Off-Premise Signs

Off-premise signs are allowed in the GB, I-1, and I-2 Districts subject to the following regulations:

- A. Off-premise signs will be allowed a maximum size of two hundred square feet.

- B. Signs will be allowed a maximum height of forty feet; and a minimum height of twelve feet.
- C. There will be a minimum setback for the sign face of ten feet and a minimum setback for the sign structure of twenty-two feet.

### **10.08 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 twelve 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 thirty-two 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 10.02. The sign shall be confined to the site of construction and shall be removed within ten 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 fifty percent of the gross floor area.
  - 3. Real Estate Signs – Real estate signs not exceeding twelve 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 feet to any lot line. All such signs shall be removed within ten 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 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 Council. Temporary subdivision signs are permitted for a period of one 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 the 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 days before and three 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 days prior to and fourteen 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 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 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 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 square feet in area, traffic and public signs, no trespassing or similar signs and legal notices.

## **10.09 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-1, R-2 or CB District - Fences not more than six feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four 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 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 feet from the property line abutting the arterial or collector street.
  - 3. Intersection safety zones are maintained.
- E. For GB, I-1 or I-2 District - Fences not more than eight feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use.
- F. No fence shall be erected which violates *10.02 - Visibility at Intersections*.
- G. To preserve the neighborhood character of the Residential districts, fences along the perimeter of a front yard shall be of a traditional design and shall not be more than 30 percent solid.
- H. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight feet and for public tennis courts twelve feet on any portion of the lot. Fences associated with these uses shall not be more than thirty percent solid.
- I. Fences that are adjacent to alleys shall be set back five 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. In the event a fence is to be constructed on the property line, abutting property owners shall be notified prior to the issuance of a permit.
- L. The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.

### **10.10 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 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 one hundred feet for single users or two hundred feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized person to climb.

### **10.11 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 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 R-2 district. The Authorized Official or his or her designee shall inspect and authorize all dwellings moved into the City of Colton. For the purposes of these regulations, manufactured housing shall be allowed only in the R-2 Manufactured Housing Residential District.

## **10.12 Landscaping Standards**

It is the desire of the City of Colton 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 ninety percent of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 10.04).
- B. Within GB, CB, I-1 and I-2 districts, one tree per fifty feet of lot width is required. No more than twenty-five percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
- C. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
- D. The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod, seed, or other living ground cover.
- 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 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 feet shall be provided between a parking lot and residentially zoned property.

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

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

1. The maximum light level shall be no greater than three foot candles field measured at the property line (ground level).
2. The maximum height of light luminaries shall be twenty-five 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:

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

All other light luminaries shall have a maximum height of thirty-eight 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.

### **10.13 Home Occupations**

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

- A. Minor home occupations. All minor home occupations shall meet the following criteria and standards:
1. The occupation must be primarily conducted within a dwelling unit. No other employees shall be hired.
  2. The area set aside for a home occupation shall not exceed twenty percent 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. 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.
  6. No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted material shall be stored on site.
  7. 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.
  8. Home occupations shall be restricted to the hours of 6:00 a.m. to 9:00 p.m.
  9. The operation of a family day care.
- B. Major home occupations. Any proposed home occupation which does not meet the criteria as established in Section 10.13(A) is deemed a major home occupation and shall require a conditional use as established by Section 17.01.

### **10.14 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 feet below grade, or with tie downs installed as

recommended by the manufacturer, but in no event more than twelve feet apart along the perimeter of the structure. Such tie downs shall extend down no less than four feet below grade.

- C. Each manufactured home shall be skirted with material approved by the Authorized Official. 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 Colton may exceed ten years from the date of manufacture.

### **10.15 *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 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 fourteen days during any one hundred and twenty 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.