**ORDINANCE 2013-03**

**PIEDMONT ZONING – Title 17**

**SECTION 17.01 AUTHORITY**

This Ordinance is enacted under the authority of the laws of the State of South Dakota and is hereby adopted by the City of Piedmont Board of Trustees.

**SECTION 17.02 SHORT TITLE**

This Ordinance shall be known and cited as the “Piedmont Zoning Ordinance.”

**SECTION 17.03 PURPOSE OF THE ORDINANCE**

The purpose of this Ordinance is to encourage and protect the health, safety, order, convenience, aesthetics, prosperity, and general welfare of the citizens of Piedmont; promote property rights; provide for the appropriate and best use of land; and, promote the goals of the Piedmont Comprehensive Plan.

**SECTION 17.04 JURISDICTION**

This Ordinance shall apply to all lands within the corporate boundary of the City of Piedmont as established on the map entitled “The Official Zoning Map of Piedmont, South Dakota.”

**SECTION 17.05 ADMINISTRATION AND ENFORCEMENT**

1. General Provisions for Application of Regulations. This Ordinance regulates the erection, construction, reconstruction, alteration, and use of buildings and structures, and the use of land.
2. Administrative Officer. The provisions of this Ordinance shall be administered by the Administrative Officer. The Administrative Officer shall be the Chairman of the Planning and Zoning Board, unless by resolution, another person is authorized to act as the Administrative Officer. The Administrative Officer is authorized to enforce all provisions of this Ordinance.
3. Planning and Zoning Board.The Piedmont Planning and Zoning Board shall assist the Board of Trustees in an advisory capacity in achieving the established purpose of this Ordinance. The Planning and Zoning Board shall establish rules of procedure that are necessary to the performance of its function under this Ordinance. The Planning and Zoning Board shall review and make recommendation to the Board of Trustees on all applications brought forth by the public in accordance with this Title.
4. Board of Trustees. The Piedmont Board of Trustees shall review all recommendations of the Planning and Zoning Board and make final decisions on all applications brought forth by the public in accordance with this Title. The Board of Trustees may reverse or modify the recommendation of the Planning and Zoning Board by a majority vote of all of its members. The Piedmont Board of Trustees shall have the power to render interpretations of this Ordinance and to adopt and enforce supplemental policies in order to clarify the application of the Ordinance. Such interpretations shall meet the purpose of this Ordinance and be set forth in writing.
5. BOARD OF ADJUSTMENT. In lieu of appointing a board of adjustment, the Board of Trustees shall act as and perform all the duties and exercise the powers of such Board of Adjustment. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, grant variances to the terms of this Ordinance. The President of the Board of Trustees shall be chairman of the Board of Adjustment as so composed. The concurring vote of at least two-thirds of the members of such board as so composed shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon that it is required to pass under this Ordinance, or to effect any variation in this Ordinance.
6. Zoning Permit Required.No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no new use, or change of use of any building, structure, or land, or part thereof, shall be made until a zoning permit is obtained.
   1. Required Information for Zoning Permits. The Planning and Zoning Board shall formulate written policies that address the required application materials for zoning permits.
   2. Zoning Permit Approval Process.Upon submittal of a complete application, the Administrative Officer shall review the proposal for compliance with this Ordinance. If the proposal is in full compliance with the zoning district regulations, a zoning permit will be issued. If the proposal fails to comply with the zoning district regulations, the Administrative Officer will issue a written denial. In issuing the denial, the Administrative Officer will, in writing, state the reason for the denial, and what, if any modifications to the proposal can be made so that it conforms to the Ordinance. If a proposal is denied, the applicant has the option to: resubmit a proposal that complies with the Ordinance; request a variance; or, request an ordinance amendment.
   3. Site Inspections. Upon application for a zoning permit, the Administrative Officer may inspect the site to determine compliance with the requirements of this Ordinance. Such inspection shall be at reasonable times with notice provided to the applicant.
   4. Expiration of Zoning Permit. Every zoning permit issued under the provisions of this Ordinance shall expire and become null and void if the building or use authorized by such zoning permit is not commenced within 180 days from the date of issuance. Any person holding an unexpired permit may apply for an extension. Upon written request, the Administrative Officer may extend the time for action on the unexpired zoning permit for a period not exceeding 180 days. No permit shall be extended more than once.
7. Conditional Uses.A conditional use is any use that due to certain special characteristics related to its operation, may be allowed in a zoning district after evaluation and recommendation by the Planning and Zoning Board and approval by the Board of Trustees. The conditional use review process provides an opportunity to allow the use, but impose mitigation measures to address identified concerns, or deny the use if the concerns cannot be resolved. Those uses identified as a “CU” in the district use tables are subject to the conditional use review process. Prior to obtaining a zoning permit, the conditional use must be approved by the Piedmont Board of Trustees.
   1. Required Information for a Conditional Use Requests. The Planning and Zoning Board shall formulate written policies that address the required application materials for conditional use requests.
   2. Conditional Use Approval Criteria. A written statement and any supporting documentation that demonstrates that the conditional use approval criteria listed below will be met shall be provided by the applicant.
      1. *Compatibility*
         1. The proposed use is consistent with the land uses in the area and the purpose of the zoning district;
         2. The proposed use will not conflict with surrounding land uses and will not create nuisances for neighboring land owners; and,
         3. The proposed use will not negatively impact environmentally sensitive areas on or near the site.
      2. *Services*
         1. The existing transportation system is capable of supporting the proposed use;
         2. The proposed water, wastewater, and storm water plans adequately accommodate the proposed use and meet the applicable requirements of DENR and the Department of Health; and,
         3. Public services for law enforcement, fire protection, and emergency management are capable of serving the proposed use.
      3. *Comprehensive Plan*
         1. The proposal is consistent with the goals identified in the Piedmont Comprehensive Plan.
   3. Conditional Use Review Process**.** Upon submittal of a complete application, a public hearing will be scheduled with the Planning and Zoning Board.
      1. *Public Notice.* Notification of the date, time, and location of such hearing shall be provided by the City of Piedmont Planning and Zoning Board at least ten (10) days prior to the hearing by publication in the City’s legally designated newspaper. In addition, the applicant shall, by certified mail, notify all property owners within two-hundred and fifty (250) feet, excluding rights-of-way, of the nature of the request and the date, time, and location of the public hearing at least ten (10) days prior to the hearing.
      2. *Planning and Zoning Board review.*At the public hearing the Planning and Zoning Board will consider the application, supporting documentation, public input, and the Conditional Use Approval Criteria. The Planning and Zoning Board may vote to recommend approval, approval with conditions, or denial of the conditional use request. The Planning and Zoning Board’s recommendation shall be forwarded to the Board of Trustees for final consideration.
      3. *Board of Trustees review.*The Board of Trustees may concur with, modify, or reverse the Planning and Zoning Board’s recommendation. The decision of the Board of Trustees on a conditional use request shall be made within thirty (30) days of the date of Planning and Zoning Board’s recommendation, unless a continuation is requested by the applicant.
      4. *Denial of request.*In the event that the conditional use request is denied by the Board of Trustees, reapplication shall not be permitted for a period of one year, unless the Planning and Zoning Board determines that the request has substantially changed.
   4. Loss of Conditional Use Status. If an approved conditional use is discontinued for a period of one (1) year, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must file a new conditional use request.
   5. Revocation of Conditional Use. An approved conditional use may be revoked only for cause, consisting of failure to maintain the conditions required. A notice of intent to revoke a conditional use shall be given in writing 30 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the City may have imposed. If, during that period, proof of compliance is made by the holder of the permit, the permit shall be continued in force. If a hearing has been requested following receipt of notice of intent to revoke, the Planning & Zoning Board shall hold a public hearing on the matter and make a recommendation to the Board of Trustees for final determination on the revocation.
8. Variances.The purpose of a variance is to modify the strict application of the development standards set out in each zoning district in the case where strict application would result in practical difficulty or unnecessary hardship depriving a property owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some condition that prevents an owner from using the property as the Ordinance intended. Variances must be approved by the Board of Adjustment prior to obtaining a zoning permit for a proposal that does not meet the development standards of the zoning district. Variances to uses are prohibited.
   1. Required Information for a Variance Request. The Planning and Zoning Board shall formulate written policies that address the required application materials for variance requests.
   2. Variance Approval Criteria. A written statement and supporting documents that demonstrate that the variance approval criteria listed below will be met shall be provided by the applicant.
      * 1. There are special circumstances or conditions on the property—i.e., an exceptionally narrow lot, steep topography, or irregularly shaped lot;
        2. The proposed use is either an allowed or conditional use in the zoning district;
        3. Strict application of the regulation in question would preclude all reasonable economic use of the site;
        4. Granting the variance is the minimum modification necessary to allow the reasonable use of the site;
        5. Granting the variance will not compromise the purpose of this Ordinance nor that of the zoning district in which the property is located; and,
        6. Any impacts resulting from the variance will be mitigated.
   3. Variance Review Process.Upon submittal of a complete application, a recommendation meeting will be scheduled with the Planning and Zoning Board.
      1. *Planning and Zoning Board review.*At the recommendation meeting the Planning and Zoning Board will consider the request, supporting documentation, public input, and the Variance Approval Criteria. The Planning and Zoning Board may vote to recommend approval, approval with conditions, or denial of the variance. The Planning and Zoning Board’s recommendation shall be forwarded to the Board of Adjustment for final consideration.
      2. *Public Notice of Board of Adjustment Hearing.* Notification of the date, time, and location of such hearing shall be provided by the City of Piedmont at least ten (10) days prior to the Board of Adjustment hearing by publication in the City’s legally designated newspaper. In addition, the applicant shall, by certified mail, notify all property owners within two-hundred and fifty (250) feet, excluding rights-of-way, of the nature of the request and the date, time, and location of the public hearing at least ten (10) days prior to the hearing.
      3. *Board of Adjustment review.*The Board of Adjustment may concur with, modify, or reverse the Planning and Zoning Board’s recommendation. The decision of the Board of Adjustment on a variance request shall be made within thirty (30) days of the date of Planning and Zoning Board’s recommendation, unless a continuation is requested by the applicant.
      4. *Denial of request.*In the event that the variance request is denied by the Board of Adjustment, reapplication shall not be permitted for a period of one year, unless the Board of Adjustment determines that the request has substantially changed.
9. Zoning Ordinance Amendments.This Ordinance may be amended, supplemented, revised, or repealed as conditions warrant. The Piedmont Board of Trustees may amend zoning district boundaries, use categories, or the regulations established by this Ordinance.
   1. Required Information for an Amendment Request. The Planning and Zoning Board shall formulate written policies that address the required application materials for amendment requests.
   2. Amendment Approval Criteria. A written statement and supporting documents that demonstrate that the amendment approval criteria listed below will be met shall be provided by the applicant.
      * 1. The proposed amendment is necessary because of substantially changed or changing conditions of the area and zoning district affected, or in the Ordinance generally;
        2. The proposed amendment is consistent with the purpose of the Ordinance;
        3. The proposed amendment will not adversely affect any other part of the Ordinance; and,
        4. The proposed amendment is consistent with the Piedmont Comprehensive Plan.
   3. Ordinance Amendment Review Process**.** Upon submittal of a complete application, the ordinance amendment request will be presented at the next regularly scheduled meeting of the Planning and Zoning Board, at which time the Planning and Zoning Board may initiate a study of the proposed ordinance amendment. If no study is deemed necessary, a public hearing with the Planning and Zoning Board shall be scheduled.
      1. *Public Notice of Planning & Zoning Board Hearing.* Notification of the date, time, and location of such hearing shall be provided by the City of Piedmont Planning and Zoning Board at least ten (10) days prior to the hearing by publication in the City’s legally designated newspaper. For proposed amendments to the Piedmont Zoning Map, the applicant shall, by certified mail, notify all property owners within two-hundred and fifty (250) feet, excluding rights-of-way, of the nature of the request and the date, time, and location of the public hearing at least ten (10) days prior to the hearing.
      2. *Planning and Zoning Board review.*At the public hearing the Planning and Zoning Board will consider the request, supporting documentation, public input, and the Amendment Approval Criteria. The Planning and Zoning Board’s recommendation shall be forwarded to the Board of Trustees for final consideration.
      3. *Board of Trustees review.*The Board of Trustees shall publish twice, for two successive weeks, notice of the final public hearing on the ordinance amendment request in the City’s legally designated newspaper. The notification shall state the time, date, and location of the hearing. The decision of the Board of Trustees on an ordinance amendment request shall be made within thirty (30) days of the date of Planning and Zoning Board’s recommendation, unless a continuation is requested by the applicant.
      4. *Denial of request.*In the event that the ordinance amendment request is denied by the Board of Trustees, reapplication shall not be permitted for a period of one (1) year, unless the Board of Trustees determines that the request has substantially changed.

**SECTION 17.06 ZONING DISTRICTS AND REGULATIONS**

1. ESTABLISHMENT OF ZONING DISTRICTS. For the purposes of this Ordinance, the City of Piedmont is divided into the following districts: Town Center; General Commercial; Rural Reserve; Single-Family Residential; Rural Residential; and, No Use.
2. OFFICIAL ZONING MAP. The location and boundaries of the zoning districts established by this Ordinance are denoted and defined as shown on the “Zoning Map of Piedmont, South Dakota” adopted, and from time to time amended together with this Ordinance. The Zoning Map is hereby incorporated into this Ordinance as is fully set forth.

1. INTERPRETATION OF THE ZONING MAP. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:
   1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of streets, highways, or alleys.
   2. For boundaries shown as following or approximately following platted lot lines or other property lines, such lines shall be construed to be the boundary lines.
   3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
   4. Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses and the boundaries shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.
   5. Boundaries shown as following or closely following the limits of the city shall be construed as following such limits.
   6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Trustees.
   7. Whenever any street, alley, or public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.
2. SCOPE OF THE REGULATIONS. The regulations applying to each district include specific limitations on the use of land and structures; height and bulk of structures; density of population; lot area; yard dimensions; and, the area of lot that can be covered by structures.
3. LAND USE CATEGORIES: This Ordinance classifies land uses and activities into land use categories on the basis of common, functional, or physical characteristics. Characteristics include the type and amount of activity; the type of customers or residents; how goods or services are sold or delivered; and, common site factors. Detailed definitions of the land use categories are listed in Section 17.16, *Ordinance Language and Definitions*.

1. USE REGULATIONS. The use regulations are intended to promote the purpose of the zoning district. The zoning district use tables list each use category, and identify whether the use is allowed in the zoning district, requires a conditional use review, or is prohibited in the zoning district.
   1. Allowed Uses.Uses that are allowed in a zoning district are denoted with a “Y” in the district use tables. These uses are allowed if the proposal complies with the zoning district development standards.
   2. Conditional Uses.Uses that are allowed in a zoning district subject to review and approval by the Piedmont Planning and Zoning Board and the Board of Trustees are denoted with a “CU” in the district use tables. These uses must be approved through the conditional use review process in Section 17.05.G.
   3. Prohibited Uses. Uses that are prohibited in a zoning district are denoted with an “N” in the district use tables. Any proposed use not identified in the use tables, or in the land use category definitions provided in Section 17.16 shall be deemed a prohibited use. Variances to uses are not permitted.

1. DEVELOPMENT STANDARDS. The development standards regulate the development of land within each zoning district. The development standards work together with the use regulations to promote the purpose of the zoning district and maintain physical compatibility with existing development in the district. The development standards provide certainty to landowners, builders, and neighbors about the limits of development on land within a zoning district. The development standards are generally written for development on flat, regularly shaped lots. Where there are special circumstances or conditions on the property—i.e., an exceptionally narrow lot, steep topography, or irregularly shaped lot—a variance to the development standard may be requested following the procedures in Section 17.05.H.
2. TOWN CENTER DISTRICT
   1. Purpose. The purpose of the Town Center district is to promote and maintain the historic character of Piedmont’s historic townsite area while allowing a mix of diverse, but complementary uses.
   2. Where These Zoning Regulations Apply. The Town Center zoning regulations apply to all land designated as Town Center on the City of Piedmont Zoning Map.
   3. Town Center District Use Regulations.The use regulations listed in the table below are intended to maintain and promote Piedmont’s historic town center. The regulations allow for a mix of uses.
      1. *Town Center District Uses Table.*

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| **TOWN CENTER DISTRICT USES** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | Y |
| Multi-Dwelling Units | CU |
| Group Living | CU |
| Manufactured Home Parks | N |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | CU |
| Office | CU |
| Vehicle Service and Repair | CU |
| Self-Service Storage | CU |
| Major Event Entertainment | CU |
| Recreational Vehicle Parks | CU |
| Temporary Campgrounds | CU |
| Temporary Merchants | CU |
| Adult-Oriented Businesses | CU |
| Liquor Stores | CU |
| Bars | CU |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | CU |
| Warehouse and Freight Movement | CU |
| Wholesale Sales | CU |
| Industrial Service | CU |
| Railroad Yards | N |
| Waste-Related Facilities | N |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | Y |
| Community Facilities | CU |
| Parks and Open Areas | CU |
| Schools | CU |
| Daycare Centers | CU |
| Medical Centers | CU |
| Religious Institutions | CU |
| Detention Facilities | N |
| OTHER CATEGORIES | |
| Ranching and Farming | N |
| Concentrated Animal Feeding Operations | N |
| Surface Passenger Facilities | CU |
| Wireless Telecommunication Facilities | CU |
| Small Wind Energy Systems | CU |
| Mining and Mineral Extraction Facilities | N |
| Home Occupations | Y |

Y=Allowed; CU=Conditional Use; N=Prohibited

* 1. Town Center District Development Standards. The development standards in the Town Center District regulate the development of land in order to promote the character of the district.
     1. *Town Center District Development Standards Summary Table.*

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| **TOWN CENTER DISTRICT DEVELOPMENT STANDARDS** | |
| TOWN CENTER DISTRICT | STANDARD |
| Minimum Lot Size | 7,000 square feet |
| Maximum Residential Density | 1 residence per 7,000 SF of lot area, plus 3,000 SF of lot area per each additional dwelling unit |
| Minimum Setbacks   * Commercial Categories   + Front   + Side   + Rear * All Other Categories   + Front   + Side   + Rear | * 0 feet * 5 feet * 25 feet * 25 feet * 5 feet * 25 feet |
| Maximum Height | 35 feet |
| Maximum Lot Coverage | 40% |

* + 1. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above unless a larger lot size is required per SDAR 74:53:01:16[[1]](#endnote-1).
    2. *Maximum residential density.*The maximum density for all residential structures is stated in the table above.
    3. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in the table above.
       1. Exceptions to the minimum setbacks.
          1. Detached accessory structures shall be setback not less than thirty-five (35) feet from a front property line; five (5) feet from a side property line; and five (5) feet from a rear property line.
          2. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    4. *Maximum height.* The maximum height for all structures is stated in the table above.
       1. Exceptions to maximum height.
          1. Chimneys, flag poles, and satellite dishes may extend above the height limit.
          2. Radio and television transmission towers, water towers, and public safety facilities are exempt from the height limit as long as they are set back from all lot lines at least one (1) foot for every one (1) foot of structure height.
          3. The height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    5. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

1. RURAL RESERVE DISTRICT
   1. Purpose. The purpose of the Rural Reserve District is to provide for land situated on the fringe of the urban area that is used for agricultural purposes.
   2. Where These Zoning Regulations Apply. The Rural Reserve zoning regulations apply to all land designated as Rural Reserve on the Zoning Map.
   3. Rural Reserve District Use Regulations.The use regulations listed in the table below are intended to promote agricultural uses until urbanization is warranted.
      1. *Rural Reserve District Uses Table.*

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| **RURAL RESERVE DISTRICT USES** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | Y |
| Multi-Dwelling Units | N |
| Group Living | N |
| Manufactured Home Parks | N |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | N |
| Office | N |
| Vehicle Service and Repair | N |
| Self-Service Storage | N |
| Major Event Entertainment | CU |
| Recreational Vehicle Parks | N |
| Temporary Campgrounds | N |
| Temporary Merchants | N |
| Adult-Oriented Businesses | N |
| Liquor Stores | N |
| Bars | N |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | N |
| Warehouse and Freight Movement | N |
| Wholesale Sales | N |
| Industrial Service | N |
| Railroad Yards | CU |
| Waste-Related Facilities | CU |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | Y |
| Community Facilities | CU |
| Parks and Open Areas | CU |
| Schools | CU |
| Daycare Centers | CU |
| Medical Centers | CU |
| Religious Institutions | CU |
| Detention Facilities | CU |
| OTHER CATEGORIES | |
| Ranching and Farming | Y |
| Concentrated Animal Feeding Operations | CU |
| Surface Passenger Facilities | CU |
| Wireless Telecommunication Facilities | CU |
| Small Wind Energy Systems | CU |
| Mining and Mineral Extraction Facilities | CU |
| Home Occupations | Y |

Y=Allowed; CU=Conditional Use; N=Prohibited

* 1. Rural Reserve District Development Standards. The development standards in the Rural Reserve District regulate the development of land in order to promote the character of the district.
     1. *Rural Reserve District Development Standards Summary Table.*

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| **RURAL RESERVE DISTRICT DEVELOPMENT STANDARDS** | |
| RURAL RESERVE DISTRICT | STANDARD |
| Minimum Lot Size | 20 acres |
| Maximum Residential Density | 1 residence per 20 acres |
| Minimum Setbacks   * All structures   + Front   + Side   + Rear | * 25 feet * 10 feet * 25 feet |
| Maximum Height | 35 feet |
| Maximum Lot Coverage | 10% |

* + 1. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above.
    2. *Maximum residential density.*The maximum density for all primary residential structures is stated in the table above*.*
    3. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in the table above*.*
       1. Exceptions to the minimum setbacks.
          1. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    4. *Maximum height.* The maximum height for all structures is stated in the table above.
       1. Exceptions to maximum height.
          1. Chimneys, flag poles, and satellite dishes may extend above the height limit.
          2. Silos, barns, radio and television transmission towers, water towers, and public safety facilities are exempt from the height limit as long as they are set back from all lot lines at least one (1) foot for every one (1) foot of structure height.
          3. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    5. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

1. GENERAL COMMERCIAL DISTRICT
   1. Purpose. The purpose of the General Commercial District is to provide for personal and business services and commerce within Piedmont.
   2. Where These Zoning Regulations Apply. The General Commercial zoning regulations apply to all land designated as General Commercial on the City of Piedmont Zoning Map.
   3. General Commercial District Use Regulations.The use regulations listed in the table below are intended to maintain and promote commercial uses. The regulations allow for some non-commercial uses, but not to such an extent as to sacrifice the purpose of the district.
      1. *General Commercial District Uses Table.*

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| **GENERAL COMMERCIAL DISTRICT USES** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | N |
| Multi-Dwelling Units | CU |
| Group Living | CU |
| Manufactured Home Parks | CU |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | Y |
| Office | Y |
| Vehicle Service and Repair | Y |
| Self-Service Storage | CU |
| Major Event Entertainment | CU |
| Recreational Vehicle Parks | CU |
| Temporary Campgrounds | CU |
| Temporary Merchants | CU |
| Adult-Oriented Businesses | CU |
| Liquor Stores | Y |
| Bars | CU |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | CU |
| Warehouse and Freight Movement | CU |
| Wholesale Sales | CU |
| Industrial Service | CU |
| Railroad Yards | CU |
| Waste-Related Facilities | CU |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | Y |
| Community Facilities | Y |
| Parks and Open Areas | Y |
| Schools | Y |
| Daycare Centers | Y |
| Medical Centers | Y |
| Religious Institutions | Y |
| Detention Facilities | N |
| OTHER CATEGORIES | |
| Ranching and Farming | N |
| Concentrated Animal Feeding Operations | N |
| Surface Passenger Facilities | CU |
| Wireless Telecommunication Facilities | CU |
| Small Wind Energy Systems | CU |
| Mining and Mineral Extraction Facilities | N |
| Home Occupations | Y |

Y=Allowed; CU=Conditional Use; N=Prohibited

* 1. General Commercial District Development Standards. The development standards in the General Commercial District regulate the development of land in order to promote the character of the district.
     1. *General Commercial District Development Standards Summary Table.*

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| **GENERAL COMMERCIAL DISTRICT DEVELOPMENT STANDARDS** | |
| COMMERCIAL DISTRICT | STANDARD |
| Minimum Lot Size | 20,000 SF |
| Maximum Residential Density | 1 residence per 7,000 SF of lot area, plus 3,000 SF of lot area per each additional dwelling unit. |
| Minimum Setbacks   * Front * Side * Rear | * 25 feet * 5 feet * 5 feet |
| Maximum Height | 35 feet |
| Maximum Lot Coverage   * Commercial Categories * All Other Categories | * None * 40% |

* + 1. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above unless a larger lot size is required per SDAR 74:53:01:16.
    2. *Maximum residential density.*The maximum density for all primary residential structures is stated in the table above.
    3. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in thetable above.
       1. Exceptions to the minimum setbacks.
          1. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    4. *Maximum height.* The maximum height for all structures is stated in the table above.
       1. Exceptions to maximum height.
          1. Chimneys, flag poles, and satellite dishes may extend above the height limit.
          2. Radio and television transmission towers, water towers, and public safety facilities are exempt from the height limit as long as they are set back from all lot lines at least one (1) foot for every one (1) foot of structure height.
          3. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N
    5. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

1. SINGLE-FAMILY RESIDENTIAL DISTRICT
   1. Purpose. The purpose of the Single-Family Residential District is to preserve and promote single-family residential neighborhoods.
   2. Where These Zoning Regulations Apply. The Single-Family Residential zoning regulations apply to all land designated as Single-Family Residential on the City of Piedmont Zoning Map.
   3. Single-Family Residential District Use Regulations.The use regulations listed in the following table are intended to maintain and promote single-family residential neighborhoods. The regulations allow for some non-residential uses, but not to such an extent as to sacrifice the purpose of the district.
      1. *Single-Family Residential District Uses Table.*

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| **SINGLE-FAMILY RESIDENTIAL DISTRICT USES** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | Y |
| Multi-Dwelling Units | N |
| Group Living | CU |
| Manufactured Home Parks | N |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | N |
| Office | N |
| Vehicle Service and Repair | N |
| Self-Service Storage | N |
| Major Event Entertainment | N |
| Recreational Vehicle Parks | N |
| Temporary Campgrounds | N |
| Temporary Merchants | N |
| Adult-Oriented Businesses | N |
| Liquor Stores | N |
| Bars | N |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | N |
| Warehouse and Freight Movement | N |
| Wholesale Sales | N |
| Industrial Service | N |
| Railroad Yards | N |
| Waste-Related Facilities | N |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | Y |
| Community Facilities | CU |
| Parks and Open Areas | CU |
| Schools | CU |
| Daycare Centers | CU |
| Medical Centers | N |
| Religious Institutions | CU |
| Detention Facilities | N |
| OTHER CATEGORIES | |
| Ranching and Farming | N |
| Concentrated Animal Feeding Operations | N |
| Surface Passenger Facilities | N |
| Wireless Telecommunication Facilities | CU |
| Small Wind Energy Systems | CU |
| Mining and Mineral Extraction Facilities | N |
| Home Occupations | Y |

Y=Allowed; CU=Conditional Use; N=Prohibited

* 1. Single-Family Residential District Development Standards. The development standards in the Single-Family Residential district regulate the development of land in order to promote the purpose of the district.
     1. *Single-Family Residential District Development Standards Summary Table.*

|  |  |
| --- | --- |
| **SINGLE-FAMILY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS** | |
| SFR DISTRICT | STANDARD |
| Minimum Lot Size   * Residential Categories * All Other Categories | * ½ acre * 1 acre |
| Maximum Residential Density | 1 residence per ½ acre |
| Minimum Setbacks   * Residential Categories   + Front   + Side   + Rear * All Other Categories   + Front   + Side   + Rear | * 25 feet * 10 feet * 25 feet * 35 feet * 35 feet * 35 feet |
| Maximum Height | 35 feet |
| Maximum Lot Coverage | 30% |

* + 1. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above unless a larger lot size is required per SDAR 74:53:01:16.
    2. *Maximum residential density.*The maximum density for all primary residential structures is stated in the table above.
    3. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in the table above.
       1. Exceptions to the minimum setbacks.
          1. Accessory structures shall be setback not less than thirty-five (35) feet from a front property line; five (5) feet from a side property line; and five (5) feet from a rear property line.
          2. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    4. *Maximum height.* The maximum height for all structures is stated in the table above.
       1. Exceptions to maximum height.
          1. Chimneys, flag poles, and satellite dishes may extend above the height limit.
          2. Radio and television transmission towers, water towers, and public safety facilities are exempt from the height limit as long as they are set back from all lot lines at least one (1) foot for every one (1) foot of structure height.
          3. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    5. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

1. RURAL RESIDENTIAL DISTRICT
   1. Purpose. The purpose of the Rural Residential District is to maintain existing concentrations of low-density residential development.
   2. Where These Zoning Regulations Apply. The Rural Reserve zoning regulations apply to all land designated as Rural Residential on the Zoning Map.
   3. Rural Residential District Use Regulations.The use regulations listed in the table below are intended to promote low-density residential development.
      1. *Rural Residential District Uses Table.*

|  |  |
| --- | --- |
| **RURAL RESIDENTIAL DISTRICT USES** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | Y |
| Multi-Dwelling Units | N |
| Group Living | CU |
| Manufactured Home Parks | N |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | N |
| Office | N |
| Vehicle Service and Repair | N |
| Self-Service Storage | N |
| Major Event Entertainment | N |
| Recreational Vehicle Parks | N |
| Temporary Campgrounds | N |
| Temporary Merchants | N |
| Adult-Oriented Businesses | N |
| Liquor Stores | N |
| Bars | N |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | N |
| Warehouse and Freight Movement | N |
| Wholesale Sales | N |
| Industrial Service | N |
| Railroad Yards | N |
| Waste-Related Facilities | N |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | Y |
| Community Facilities | CU |
| Parks and Open Areas | CU |
| Schools | CU |
| Daycare Centers | CU |
| Medical Centers | N |
| Religious Institutions | CU |
| Detention Facilities | N |
| OTHER CATEGORIES | |
| Ranching and Farming | N |
| Concentrated Animal Feeding Operations | N |
| Surface Passenger Facilities | N |
| Wireless Telecommunication Facilities | CU |
| Small Wind Energy Systems | CU |
| Mining and Mineral Extraction Facilities | N |
| Home Occupations | Y |

Y=Allowed; CU=Conditional Use; N=Prohibited

* 1. Rural Residential District Development Standards. The development standards in the Rural Residential District regulate the development of land in order to promote the character of the district.
     1. *Rural Residential District Development Standards Summary Table.*

|  |  |
| --- | --- |
| **RURAL RESIDENTIAL** **DISTRICT DEVELOPMENT STANDARDS** | |
| RURAL RESIDENTIAL DISTRICT | STANDARD |
| Minimum Lot Size | 3 acres |
| Maximum Residential Density | 1 residence per 3 acres |
| Minimum Setbacks   * All structures   + Front   + Side   + Rear | * 25 feet * 10 feet * 25 feet |
| Maximum Height | 35 feet |
| Maximum Lot Coverage | 10% |

* + 1. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above.
    2. *Maximum residential density.*The maximum density for all primary residential structures is stated in the table above*.*
    3. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in the table above*.*
       1. Exceptions to the minimum setbacks.
          1. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    4. *Maximum height.* The maximum height for all structures is stated in the table above.
       1. Exceptions to maximum height.
          1. Chimneys, flag poles, and satellite dishes may extend above the height limit.
          2. Silos, barns, radio and television transmission towers, water towers, and public safety facilities are exempt from the height limit as long as they are set back from all lot lines at least one (1) foot for every one (1) foot of structure height.
          3. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.N.
    5. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above

1. NO USE DISTRICT
   1. Purpose. The purpose of the No Use District is to provide a temporary designation to allow a study of the appropriate zoning designations for newly annexed land.
   2. Where These Zoning Regulations Apply. All lands annexed by the City shall, upon annexation, be designated as No Use District. Upon acceptance of a petition for annexation by the Board of Trustees, the property owner of the annexed land may request from the Planning and Zoning Board a study of the appropriate zoning designation for the land, and subsequently, apply for an ordinance amendment to zone the land.
   3. No Use District Regulations.No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered, and no new use, or change of use of any building, structure, or land, or part thereof, shall be made on land designated as No Use.
2. DEVELOPMENT STANDARDS FOR SPECIFIC USES IN ALL ZONING DISTRICTS.
   1. Purpose. The purpose of this subsection is to set development standards for specific land uses that apply to that use throughout all zoning districts.
   2. Where These Zoning Regulations Apply. The regulations in this section apply to all zoning districts.
   3. Signs. All proposed Signs within Piedmont shall comply with Ordinance #10, *An Ordinance Establishing the Specifications for Signs and Billboards under the Jurisdiction of the Municipality of Piedmont.*
   4. Manufactured Home Parks. All proposed Manufactured Home Parks shall comply with Ordinance #2011-3, *An Ordinance Establishing Controls and Restrictions on Manufactured Homes.*
   5. Floodplain. All proposed development within a special flood hazard area as identified by Federal Emergency Management Agency’s (FEMA) shall comply with Ordinance 2011-4, *An Ordinance Establishing the Flood Damage Prevention Provisions of the Piedmont Municipal Code.*
   6. Wireless Telecommunication Facilities.
      1. *Exemptions to Wireless Telecommunication Facilities regulations*
         1. Ordinary maintenance of existing Wireless Telecommunication Facilities and support structures.
         2. Antennas used by residential household solely for broadcast radio and television reception.
         3. Satellite antennas used solely for residential or household purposes.
         4. Carrier on Wheels (COW) placed for a period of not more than one-hundred and twenty (120) days at any location within the district after a declaration of an emergency or disaster by the Governor or by the responsible local official.
      2. *Wireless Telecommunication Facilities located on existing structures.* 
         1. Antennas and accessory equipment may be located on any existing structure, including, but not limited to, buildings, water tanks, utility poles, broadcast towers or any existing support structure in accordance with the requirements of this section.
         2. No wireless telecommunication facility shall be located within thirty (30) inches of any space occupied by or available to the public.
         3. Antennas and accessory equipment may exceed the maximum building height limitations of the zoning district; however, the height of the wireless telecommunication facility shall not extend higher than twelve (12) feet over the height of the building.
         4. Each antenna mounted on existing structures and any accessory equipment shall be of a color that is identical or similar to that of the supporting structure.
      3. *New Support Structures.*
         1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage objectives of the facility, and shall not exceed one-hundred and ninety-nine (199) feet in height.
         2. Monopoles or replacement poles that will support utility lines as well as a telecommunication facility within utility easements or right-of-way, must meet the following requirement.
            1. The utility easement or right-of-way shall be a minimum of one-hundred (100) feet in width.
            2. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
            3. The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of the existing utility support structures.
            4. Monopoles and the accessory equipment associated there with shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
            5. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.
            6. Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to telecommunication facilities shall be permitted. Examples include, but are not limited to, public communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.
      4. *Design and Aesthetics*
         1. Monopoles and Towers
            1. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the County Commission, monopoles and towers shall have a galvanized silver or gray finish.
         2. Telecommunication facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration.
         3. Signs located at the telecommunication facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number, and any other information required by government regulation. Commercial advertising is strictly prohibited.
      5. *Setbacks*
         1. Unless otherwise stated herein, monopoles and towers shall be setback from all property lines a distance equal to their height measured from the base of the structure to its highest point. Other support structures shall be governed by the setbacks required by the underlying zoning district.
         2. There shall be no setback requirements from dwellings located on the same lot as the proposed structure.
         3. Unless otherwise stated herein, all accessory equipment shall be setback from all property lines in accordance with the minimum setback requirements of the underlying zoning district.
      6. *Height.* Support structures shall not exceed a height of one-hundred and ninety-nine (199) feet from the base of the structure to the top of the highest point. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives.
      7. *Accessory equipment.* An equipment building, shelter, or cabinet must not exceed five-hundred and sixty (560) square feet and twelve (12) feet in height.
      8. *Safety.* Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than six (6) feet in height.
      9. *Abandonment and removal.* Any wireless telecommunications facility that is not operated for a period of twelve (12) consecutive months shall be considered abandoned. The Board of Trustees may issue a Notice of Abandonment to the owner of the Wireless Telecommunication Facility that it is deemed abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the Notice of Abandonment receipt date. The Board of Trustees shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the Wireless Telecommunication Facility has not been abandoned. If the Wireless Telecommunication Facility is determined to be abandoned, the owner of the system shall remove the facility the owner’s sole expense within three (3) months of the receipt of the Notice of Abandonment. If the owner fails to remove the facility, the Board of Trustees may pursue legal action to have the facility removed at the owner’s expense.
   7. Small Wind Energy Systems.
      1. *Setbacks.* The minimum setback distance between each wind turbine tower and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, public roads, and dwelling units shall be equal to or greater than one point one times (1.1) the tower height.
      2. *Access.* All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access, and the tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum of eight (8) feet above the ground.
      3. *Lighting.* A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
      4. *Noise*. A small wind energy system shall not emit noise that exceeds fifty-five (55) dBA, as measured at the closest neighboring inhabited dwelling. The level may be exceeded during short-term events such as utility outages or wind storms.
      5. *Appearance, Color, Finish.* The small wind energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved as part of a conditional use review.
      6. *Signs.* All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification signs, shall not be visible from any public road.
      7. *Code compliance.* A small wind energy system shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
      8. *Utility notification.* No small wind energy system shall be installed until evidence that the utility company has been notified of the intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
      9. *Abandonment.* A small wind energy system that is out of service for a continuous twelve (12) month period will be deemed abandoned. The Board of Trustees may issue a Notice of Abandonment to the owner of the small wind energy system that it is deemed abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the Notice of Abandonment receipt date. The Board of Trustees shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned. If the small wind energy system is determined to be abandoned, the owner of the system shall remove the wind generator from the tower at the owner’s sole expense within three (3) months of the receipt of the Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Board of Trustees may pursue legal action to have the wind generator removed at the owner’s expense.
   8. Utility Substations. The purpose of the utility substation regulations is to protect neighboring properties from potential adverse impacts of the facilities.
      1. *Screening.*
         1. An opaque fence, six feet in height, shall be constructed around the substation. The fence must meet all required setbacks of the zoning district in which it is located.
      2. *Impact standards.*
         1. There shall not be any offensive noise, smoke, dust, or heat noticeable beyond the premises.
      3. *Utility substation as a Conditional Use.*
         1. If the screening and impact standards cannot be met, the utility substation becomes a conditional use and must be approved through the conditional use review process.
   9. Home Occupations. The purpose of the home occupation regulations is to protect neighboring properties from potential adverse impacts of commercial activities within residential dwellings. The home occupation regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding area.
      1. *Site standards.*
         1. All commercial activities must be in completely enclosed structures.
         2. Exterior storage or display of goods or equipment is prohibited.
         3. The residential dwelling and site must remain residential in appearance and characteristics.
      2. *Impact standards.*
         1. Hazardous substances are prohibited, except those intended for household use.
         2. There shall not be any offensive noise, smoke, dust, or heat noticeable beyond the premises.
         3. There shall not be any outside employees that work on the premises.
         4. There shall not be excessive vehicular traffic to the premises.
         5. Truck deliveries or pick-ups of supplies or products associated with the home occupations are allowed between the hours of 8 am and 5 pm.
      3. *Home Occupation as a Conditional Use.*
         1. If the site and impact standards cannot be met, the home occupation becomes a conditional use and must be approved through the conditional use review process.
   10. Recreational Vehicle Parks. The purpose of the recreational vehicle park regulations is to provide adequate sites for temporary parking of recreational vehicles whose occupants are visiting or passing through Piedmont, minimize potential adverse impacts between a recreational vehicle park and surrounding land uses, and provide health and safety standards to protect both the users of the park and the community.
       1. *Occupancy.* The occupancy of each recreational vehicle site is limited to one recreational vehicle and one automobile or truck. The length of stay is limited to a maximum of thirty (30) days in any twelve (12)-month period. No buildings or storage sheds are permitted on the recreational vehicle site.
       2. *Department of Health.* The Recreational Vehicle Park shall meet all requirements of the State of South Dakota Department of Health.
       3. *Site standards.*
          1. All recreational vehicles, recreational vehicle spaces, office buildings, or service buildings shall be set back from all property lines a minimum of twenty-five (25) feet.
          2. A minimum of ten (10) feet of spacing shall be maintained between recreational vehicles.
          3. The minimum size of any recreational vehicle space shall be one-thousand five hundred (1,750) square feet. There shall be no more than 25 recreational vehicle sites per acre.
          4. Each recreational vehicle space shall include a parking space for one vehicle.
          5. Each recreational vehicle space shall have direct access to a driveway.
          6. One refuse collection station shall be provided, with a minimum of one (1) dumpster for each twenty-five (25) recreational vehicle spaces in the park.
   11. Parking. Paved, off-street parking facilities shall be provided as required in this section.

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| **REQUIRED OFF-STREET PARKING\*** | |
| RESIDENTIAL CATEGORIES | |
| Single-Dwelling Units | 1/dwelling unit |
| Multi-Dwelling Units | 1/dwelling unit |
| Group Living | .5/bedroom |
| Manufactured Home Parks | 1/dwelling unit |
| COMMERCIAL CATEGORIES | |
| Retail Sales and Services | 1/300 SF Floor Area |
| Office | 1/200 SF Floor Area |
| Vehicle Service and Repair | 1/300 SF Floor Area |
| Self-Service Storage | 1/10 units |
| Major Event Entertainment | 1/200 SF Floor Area or 1/3 seats |
| Recreational Vehicle Parks | 1/RV space |
| Temporary Campgrounds | 2/camp site |
| Temporary Merchants | N/A |
| Adult-Oriented Businesses | 1/300 SF Floor Area |
| Liquor Stores | 1/300 SF Floor Area |
| Bars | 1/200 SF Floor Area |
| INDUSTRIAL CATEGORIES | |
| Manufacturing and Production | 1/1,000 SF Floor Area |
| Warehouse and Freight Movement | 1/1,000 SF Floor Area |
| Wholesale Sales | 1/1,000 SF Floor Area |
| Industrial Service | 1/1,000 SF Floor Area |
| Railroad Yards | 1/1,000 SF Floor Area |
| Waste-Related Facilities | 1/1,000 SF Floor Area |
| INSTITUTIONAL CATEGORIES | |
| Basic Utilities and Services | N/A |
| Community Facilities | 1/200 SF Floor Area |
| Parks and Open Areas | N/A |
| Schools | 2/classroom |
| Daycare Centers | 1/300 SF Floor Area |
| Medical Centers | 1/200 SF Floor Area |
| Religious Institutions | 1/3 seats |
| Detention Facilities | 1/1,000 SF Floor Area |
| OTHER CATEGORIES | |
| Ranching and Farming | N/A |
| Concentrated Animal Feeding Operations | N/A |
| Surface Passenger Facilities | 1/300 SF Floor Area |
| Wireless Telecommunication Facilities | N/A |
| Small Wind Energy Systems | N/A |
| Mining and Mineral Extraction Facilities | N/A |
| Home Occupations | N/A |

\*It is the responsibility of the owner to follow all provisions of the Americans with Disabilities Act.

**SECTION 17.07 NONCONFORMING USES AND DEVELOPMENT**

A legally nonconforming building, structure or use existing at the time of the adoption of this Ordinance may be continued, maintained, and repaired except as otherwise provided in this section.

1. Continuance of Nonconforming Uses. Any use that is legal immediately prior to the adoption of this Ordinance, but does not conform to this Ordinance upon its adoption, becomes a legal nonconforming use. A nonconforming use may continue unless it is discontinued for a period of one-hundred and eighty (180) days. In such case, the use shall not be reestablished unless the Piedmont Board of Trustees approves such action. A nonconforming use, if converted to a conforming use, shall not be changed back to a nonconforming use.
2. Alteration or Enlargement of Nonconforming Building, Structures or Uses**.** A legal nonconforming building, structure or use shall not be added to or enlarged in any manner unless such addition or enlargement is approved by the Piedmont Board of Trustees.
3. Damage to Nonconforming Buildings and Structures. A building that by reason of the passage of this Ordinance has become legally nonconforming, and thereafter is damaged by fire, explosion, act of God, or the public enemy to the extent of more than 50 percent of its value, shall not be restored except in conformity with the regulations of the zoning district in which it is located. When damaged by less than 50 percent of its value, a legally nonconforming building may be repaired or reconstructed up to its original size, and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.
4. NON-CONFORMING LOTS OF RECORD.Where a lot, parcel or tract of land is in legal existence on the effective date of this Ordinance, and such lot is smaller than the minimum lot size required for the zoning district, a non-conforming lot of record shall be deemed to exist. For the purpose of establishing the legal existence of a lot, parcel or tract of land, evidence may be presented that the lot, parcel or tract was legally created by plat, recorded deed, recorded warranty deed, recorded contract of sale or purchase agreement executed prior to the effective date of this ordinance. Any allowed use may be altered or enlarged on a non-conforming lot of record so long as all other development standards are met. Any conditional use that is proposed to be altered, or enlarged on a non-conforming lot of record shall comply with the requirements of this ordinance.

**SECTION 17.08 FEES**

## A fee shall be paid at the time a zoning permit is issued. A fee shall also be paid upon application for a conditional use, variance, or ordinance amendment. The fees shall be set by resolution of the Board of Trustees.

**SECTION 17.09 COURT REVIEW OF BOARD OF TRUSTEE DECISIONS**

Any person, firm, or corporation aggrieved by any decision of the Piedmont Board of Trustees may appeal the decision to circuit court.

**SECTION 17.10 COMPLAINTS REGARDING VIOLATIONS**

Any person directly affected may file a written complaint alleging a violation of this Ordinance. The complaint shall state the basis for the violation, how the complainant is affected, and shall be filed with the Planning and Zoning Board, who shall timely investigate and take appropriate action as provided by this Ordinance.

**SECTION 17.11 PENALTIES**

Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Ordinance, rule or regulation, adopted or issued in pursuance thereof, shall be punished by a fine of not more than $200. Each violation and each day upon which any violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies, including but not limited to, abatement of nuisances, injunctive relief and revocation of licenses or permits. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section herein, whether or not such penalty is reenacted in the amendatory Ordinance.

**SECTION 17.12 VALIDITY**

Should any section, clause or provision of this Ordinance be declared by the Court to be unconstitutional or invalid, such shall not affect the validity of the Ordinance as a whole or any other part, other than the part judged invalid.

**SECTION 17.13 CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS**

Where any provisions of these regulations imposed restrictions different from those imposed by any other provisions of these regulations, or any other Ordinance, rule or regulation, or other provision of the law, whichever provisions are more restrictive or impose higher standards shall control. These regulations are not intended to nullify any easement, covenant or any other private agreement or restriction. Restrictive covenants may be taken into consideration by the City in the issuance of zoning permits. As a rule of law, the City may not enforce covenants.

**SECTION 17.14 REFERENCE TO REVISED ORDINANCE**

Additions or amendments to the *Zoning Ordinance of the City of Piedmont* when passed in the form as to indicate the intention of the Board of Trustees to make the same a part of the Ordinance shall be deemed to be incorporated in the Ordinance so that reference to the Zoning Ordinance includes the additions and amendments.

**SECTION 17.15 FUTURE AMENDMENTS**

Ordinances adopted after adoption of the *Zoning Ordinance of the City of Piedmont* that amend or refer to ordinances that have been codified in the Zoning Ordinance shall be construed as if they amend or refer to like provisions of the Zoning Ordinance.

**SECTION 17.16 ORDINANCE LANGUAGE AND DEFINITIONS**

1. General Rules for Application of the Ordinance Language. Where the language in the ordinance is ambiguous or unclear, the Planning and Zoning Board may issue a statement of clarification, which must be reviewed and approved by the Piedmont Board of Trustees. Or, an amendment to the ordinance may be initiated following the procedures in Section 17.05.I.
2. Tenses and Usage. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The words “must”, “shall”, and “will” are mandatory. The word “may” is permissive. The word “prohibited” means that a variance or conditional use review cannot be requested in order to allow an exception to the regulation. This does not preclude requests for Ordinance Amendments.
3. Lists. Lists of items that state “such as” or similar language are not limited to just those items. The lists are intended to provide example, but not to be exhaustive of all possibilities.
4. Defining Words and phrases. The following words, terms, and phrases are defined and shall be interpreted as such throughout this title. Terms not herein defined shall have the meaning customarily assigned to them.
5. ABUT: See *ADJOIN*.
6. ACCESSORY STRUCTURE: A structure of secondary importance or function on a site. In general, the primary use of the site is not carried out in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, caretaker’s quarters, and other structures.
7. ACCESSORY USE: A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site.
8. ADJACENT: Parcels with no private lots between them; can be shared by public right-of-way.
9. ADJOIN: To share any portion of a lot line, including a single point.
10. ADMINISTRATIVE OFFICIAL: The officer appointed by the City to administer these regulations.
11. ADULT-ORIENTED BUSINESS: An adult-oriented business is an adult entertainment center, adults-only bookstore, adult novelty store, adult video store, or adults-only motion picture theater where the inventory, merchandise, or performances are characterized by a preponderance of nudity, sexual conduct, sadomasochistic abuse, and/or sexual excitement.
12. ADVERTISING: Any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended to be used for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea, or statement.
13. ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.
14. ALTERATIONS: When applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
15. ANTENNA: Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to the following: directional antennas, such as panels, microwave dishes and satellite dishes; and, omnidirectional antennas, such as whips.
16. APPLICANT: A person or entity who applies for a permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, engineer, or architect.
17. BARS: A bar is an establishment in which the primary function is the sale and service of alcoholic beverages for consumption on the premises. A casino may be an accessory use to a bar.
18. BASEMENT: A story having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as one-half story.
19. BASIC UTILITIES AND SERVICES: Infrastructure services that provide access, power, water, sewage service, stormwater facilities, and telecommunication facilities. Basic utilities that service a development site are accessory uses to the primary use being served. Utility substations must meet the development requirements listed in Section 17.06.N.
20. BED AND BREAKFAST: A residence offering overnight lodging and a morning meal, with not more than five guest sleeping rooms for not more than ten persons. A Bed and Breakfast shall be regulated as a home occupation.
21. BOARD OF TRUSTEES: The City of Piedmont Board of Trustees.
22. BUILDING: A structure that has a roof and is enclosed on its sides.
23. BUILDING COVERAGE: The area that is covered by buildings and other roofed structures.
24. CARETAKER: A caretaker looks after or provides security for goods or property.
25. CARRIER ON WHEELS (COW): A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom and an antenna support.
26. CITY: The City of Piedmont, South Dakota.
27. COMMUNITY FACILITIES: Community facilities are uses of a public or nonprofit nature that provide a local service to people of the community. Examples include: libraries; museums; senior centers; historic and monument sites; clubs or lodges; public swimming pools; and, public safety facilities, such as police, ambulance, and fire stations.
28. COMPLETE APPLICATION: A complete application contains all of the information and items required per this Ordinance, and/or City policy.
29. COMPREHENSIVE PLAN: The currently adopted Piedmont Comprehensive Plan.
30. CONCENTRATED ANIMAL FEEDING OPERTATION (CAFO): A lot or facility that stables or confines and feeds or maintains animals for a total of forty-five (45) days or more in a twelve- (12) month period and requires a permit from DENR.
31. CONDITIONAL USE: A conditional use is any use that, owing to certain special characteristics attendant to its operation, may be permitted in a zoning district subject to the evaluation and approval following the process established in this Ordinance. A conditional use is subject to requirements that are different from the requirements imposed for any use permitted by right in a zoning district.
32. DAYCARE CENTERS: A daycare center provides day or evening care of two or more children or adults in need of supervision outside of their homes for a fee. Examples include: childcare centers; preschools; nursery schools; and senior daycare programs. In-home daycare is not included in this category and is considered a Home Occupation.
33. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR): The South Dakota Department of Environment and Natural Resources.
34. DEPARTMENT OF HEALTH: The South Dakota Department of Health.
35. DETENTION FACILITIES: Detention facilities include facilities for judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision. Examples include: prisons; jails; probation centers; alternative or post incarceration facilities; and, juvenile detention homes.
36. DEVELOP: To construct or alter a structure or to make a physical change to the land.
37. DRAINAGEWAY: An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water.
38. DRIVEWAY: The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site.
39. DWELLING UNIT: A building, or a portion of a building that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a household.
40. EASEMENT: A grant of rights by a property owner that allows another person to use the owner’s land for a specific purpose, such as access or to locate utilities. An easement is self-perpetuating and runs with the land.
41. FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.
42. GARAGE: A covered structure designed to provide shelter for vehicles, and which is accessory to a primary residential use on the lot. Carports are considered garages.
43. GROUP LIVING: A facility, licensed by the appropriate state or local agency that provides resident service to individuals of whom one or more are unrelated. These are individuals with disabilities, aged, undergoing rehabilitation, or in need of adult supervision. The size of the group is typically larger than the average size of a household. Examples include monasteries and convents; nursing and convalescent homes; group homes for the physically or intellectually disabled, or emotionally disturbed; and, residential programs for drug and alcohol treatment.
44. HEIGHT: The vertical distance measured from the average ground elevation of the proposed finished grade to the highest point of the structure.
45. HOME OCCUPATION: A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site.
46. HOTEL: A building designed, used or offered for temporary residential occupancy, including tourist homes and motels. A hotel is a Retail Sales & Service use.
47. HOUSE: A detached dwelling unit located on its own lot.
48. HOUSEHOLD: One or more persons related by blood, marriage, legal adoption or guardianship, who live together in one dwelling unit, or a group not to exceed five (5) persons not related by blood, marriage, legal adoption or guardianship, living together as a single housekeeping unit and using common cooking facilities.
49. INDUSTRIAL SERVICE: Industrial service businesses repair or service industrial, business, or consumer machinery. Few customers come to the site. Examples include: welding shops; machine shops; tool repair; salvage or wrecking of heavy machinery, metal or building materials; towing and vehicle storage; auto and truck salvage and wrecking; fuel oil distributors; and, laundry, dry-cleaning and carpet cleaning plants.
50. LEGAL NONCONFORMING DEVELOPMENT: An element of a development, such as a setback or building height existing at the time of enactment of this title that is not legally conforming to the regulations of the zoning district in which it is situated.
51. LEGAL NONCONFORMING USE: A use of land existing at the time of enactment of this title that is not legally conforming to the regulations of the zoning district in which it is situated.
52. LIQUOR STORES: A liquor store is characterized by the retail sale of beer, wine, and/or other alcoholic beverages for consumption off-premises.
53. LOT: A parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, or developed.
54. LOT LINE: The property lines along the edge of a lot.
55. LOT LINE, FRONT: A lot line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
56. LOT LINE, REAR: A lot line that is opposite a front lot line.
57. LOT LINE, SIDE: A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line that abuts a street is a side lot line.
58. MAJOR EVENT ENTERTAINMENT: Major event entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or attractions. Examples include: race tracks, sports areas; rodeo grounds; exhibition areas; drive-in theaters; amusement parks; golf courses and country clubs; tourist attraction sites; and, fairgrounds.
59. MANUFACTURED HOME: A movable living unit designed for year-round occupancy, having no foundation other than wheels, jacks, piers or skirting, and which is capable of being moved, towed or transported by another vehicle. Manufactured homes shall comply with the requirements of the Manufactured Home Construction and Safety Standards effective June 15, 1976.
60. MANUFACTURED HOME PARK: A contiguous parcel of land of at least five (5) acres that is used for the accommodation of occupied manufactured homes. This definition does not include Recreational Vehicle Parks.
61. MANUFACTURING AND PRODUCTION: Manufacturing and production businesses are involved in manufacturing, processing, fabrication, packaging, or assembly of goods. Goods are generally not displayed or sold on this site. Few customers come to the site. Examples include: processing of food; breweries; distilleries; wineries; production of textile or apparel; production of wood, rubber, leather, clay, plastic, stone, or glass materials or products; fabrication of metal products; and, manufacturing of machinery, equipment, and instruments.
62. MEDICAL CENTER: Medical centers provide medical or surgical care to patients and may or may not offer overnight care. Examples include: hospitals and clinics.
63. MINING AND MINERAL EXTRACTION FACILITIES: The development or extraction of a mineral from its natural occurrence on affected land. Examples include the mining of minerals such as stone, sand, gravel, clay, and coal and the facilities to extract oil and gas resources.
64. MODULAR HOME: Finished units composed of two (2) or more components designed to be joined into one integral unit not capable of being separated into its components for moving and towing. A modular home is designed to be placed on a permanent foundation with or without a basement.
65. MONOPOLE: A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Ordinance, a monopole is not a tower.
66. MULTI-DWELLING UNIT: A structure that contains two or more dwelling units that share common walls or floor/ceilings with one or more unit for residential occupancy by two or more households. The land underneath the structure is not divided into separate lots. Examples include: duplexes and apartment buildings.
67. OFFICE: Office uses are characterized by activities conducted in an office setting that focus on the provision of services. The services do not require frequent visits by customers and clients. Examples include: offices of attorneys; accountants; engineers; financial businesses; real estate agents; government offices; public utility offices; and, doctor’s offices.
68. OWNER: The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records of the Meade County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.
69. PARCEL: A lot, or contiguous group of lots, or other pieces of land in single ownership or under single control and considered a unit for purposes of development.
70. PARKING AREA: The area devoted to the parking, maneuvering, and circulation of motor vehicles.
71. PARKING SPACE: A space designed to provide parking for a motor vehicle.
72. PARKS AND OPEN AREAS: Parks and open areas are uses that are characterized by natural areas consisting mostly of vegetative landscaping and/or outdoor recreation facilities. Examples include: parks; public squares; recreational trails; community gardens; and, nature preserves.
73. PLANNING AND ZONING BOARD: The City of Piedmont Planning and Zoning Board.
74. PLAT: A map, plan, or layout indicating the location and boundaries of individual properties drawn in compliance to state requirements.
75. PRIMARY STRUCTURE: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
76. PRIMARY USE: An activity or combination of activities of chief importance on the site; the main purpose for which the land or structures are intended, designed, or ordinarily used.
77. RAILROAD YARDS: Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling trains, and transfer of goods from other transportation modes to and from trains.
78. RANCHING AND FARMING: Ranching and farming activities are characterized by the breeding and raising of cattle, sheep, fowl and crop production on large tracts of open land. Ranching and Farming uses do not include Concentrated Animal Feeding Operations. Examples include: general farming; pasture; grazing; horticulture; viticulture; forestry; sod farming; wild crop harvesting; and, roadside stands exclusively for the sale of products raised on the premises.
79. RECREATIONAL VEHICLE: A portable or mobile living unit in which the wheels cannot be removed, unlike a manufactured home, used for human occupancy away from the principal place of residence of the occupants.
80. RECREATIONAL VEHICLE PARK: A commercial use where one or more lots are rented to users of recreational vehicles that are occupied for temporary purposes. There is no minimum required stay in a recreational vehicle park; however, the maximum stay is thirty (30) days. Uses where unoccupied recreational vehicles are offered for sales or lease, or are stored, are not Recreational Vehicle Parks.
81. RECREATIONAL VEHICLE SPACE: The area within a recreational vehicle park designated for one recreational vehicle.
82. RELIGIOUS INSTITUTIONS: Religious institutions provide meeting areas for religious activities. Examples include: churches; temples; synagogues; and, mosques.
83. RETAIL SALES AND SERVICES: Retail sales and services businesses are involved in the sale or lease of products to the general public. The business may provide personal services or entertainment, or product repair or services. Examples include: retail stores; laundromats; hair salons; restaurants; banks; bowling alleys; health clubs; car sales; hotels and motels; shoe repair; print shops; theaters; arcades; funeral and crematory services; taxidermist; and, private art galleries.
84. RIGHT-OF-WAY: A public area that allows for the passage of people or goods.
85. ROADWAY: The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include areas devoted to curbs, parking strips, or sidewalks.
86. SANITARY LANDFILL: A facility that complies with State of South Dakota regulations for the disposal of solid waste materials.
87. SCHOOLS: A school is a private or public institution of education, which provides instruction at the elementary, middle, high school, or post-secondary level.
88. SELF-SERVICE STORAGE: Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Examples include: facilities that provide individual storage units or areas for rent.
89. SETBACK: The minimum distance required between a specified object, such as a building, and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback.
90. SETBACK, FRONT: A setback measured from a front lot line.
91. SETBACK, REAR: A setback measured from a rear lot line.
92. SETBACK, SIDE: A setback measured from a side lot line.
93. SIDEWALK: A paved area for a pedestrian walkway paralleling and separated from the roadway.
94. SIGN: Any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, place card or temporary sign designed to advise, identify, or convey information, with exceptions of window displays.
95. SINGLE-DWELLING UNIT: A single-dwelling unit is characterized by the residential occupancy of a dwelling unit by a single household. Examples include houses, manufactured homes, and modular homes. Caretaker’s residences, garages, and sheds are examples of accessory structures.
96. SITE: A parcel of land occupied or intended to be occupied by a building or structure.
97. SITE FRONTAGE: The part of the site that abuts a street.
98. SITE PLAN: A plan for a development submitted by an applicant to demonstrate that the development complies with the requirements of this title.
99. SMALL WIND ENERGY SYSTEM: A wind energy facility with a single tower height of less than seventy-five (75) feet used primarily for on-site consumption of power.
100. SUBDIVISION ORDINANCE: The City of Piedmont Subdivision Ordinance.
101. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, transfer, lease, or development, including re-subdivision. Subdivision includes the division of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.
102. SUPPORT STRUCTURE: A structure design to support telecommunications facilities including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.
103. SURETY: Security consisting of cash deposit, surety bond, personal guarantee, collateral, property, or instrument of credit in an amount and form satisfactory to and approved by the Piedmont Board of Trustees whenever surety is required by these regulations.
104. SURFACE PASSANGER FACILITIES: Surface passenger facilities are passenger terminals for regional bus or rail service. Examples include: bus and rail stations.
105. STORY: The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.
106. STREET: A public or private thoroughfare that affords the principal means of access to abutting property.
107. STREET LINE: The legal line between the street right-of-way and abutting property.
108. STRUCTURE: Any object constructed on the ground. Structure includes buildings, decks, towers, signs, and other similar objects. Structure does not include paved areas, vegetative landscaping materials, unless specified in the Ordinance.
109. TEMPORARY CAMPGROUNDS: Campgrounds for overnight lodging of twenty (20) or more people for three (3) days consecutively or cumulatively in a calendar year.
110. TEMPORARY MERCHANTS: A temporary use established for a fixed period of time for the retail sale of seasonal products, including, but not limited to, food, Christmas trees, live plants, and event merchandise. This use may or may not involve the construction or alteration of a building or structure.
111. TIME: Shall mean days for public notice and shall include the day of notice, but not the day of the hearing and shall include weekends and holidays.
112. TOWER: A lattice-type structure, guyed or freestanding, that supports one or more antennas.
113. TURBINE: The parts of a Wind Energy System including the blades, generator, and tail.
114. USE: The specified purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
115. UTILITIES: Infrastructure services and structures necessary to deliver those services. These services may be provided by a public or private agency. Examples include water, sanitary sewer, electricity, natural gas, internet, and telephone services.
116. UTILITY SUBSTATION: The major structure owned or operated by a public, private or cooperative electric, fuel, or communications company for the generation, transmission, distribution or processing of its products.
117. VARIANCE: An officially approved exception to the strict development regulations set forth in the Zoning Ordinance.
118. VEHICLE SERVICE AND REPAIR: Vehicle service and repair uses provide servicing for passenger vehicles, trucks, motorcycles, boats, and recreational vehicles. Examples include: gas stations; auto mechanic shops; transmission or muffler shops; auto body shops; tire sales and mounting businesses; oil change businesses; and, self-service automobile washing businesses.
119. WAREHOUSE AND FREIGHT MOVEMENT: Warehouse and freight movement businesses are involved in the storage or movement of goods. There is little onsite sales activity. Examples include: general freight storage; parcel services; stockpiling of aggregate material; and, storage of weapons or ammunition.
120. WASTE COLLECTION AREAS: The areas set aside or designed to be used for garbage and/or recycling collection. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.
121. WASTE-RELATED FACILITIES: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Examples include: sanitary landfills; sewer treatment plants; recycling operations; and, hazardous waste collection sites.
122. WHOLESALE SALES: Wholesale sales businesses are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Examples include: the wholesale sale or rental of machinery; and, the wholesale sale of building materials, special trade tools, machine parts, food, clothing, building hardware, and office supplies.
123. WIND ENERGY SYSTEM (WES): A commonly owned and/or managed integrated system that converts wind movement into electricity. All of the following are encompassed in this definition of system: tower, or towers, including foundations; generator(s); blades; power collection systems, including padmount transformers; access roads, meteorological towers, on-site electric substation, control building, and other ancillary equipment and facilities; and, electrical interconnection systems or portion thereof dedicated to the wind energy system.
124. WIND ENERGY SYSTEM, SMALL: A wind energy systems facility with a single tower of less than seventy-five (75) feet used primarily for on-site consumption of power.
125. WIRELESS TELECOMMUNICATION FACILITY: Any unmanned facility, including all devices, machinery, structures, or supporting elements necessary to provide wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communication service (PCS), and paging service.
126. ZONING DISTRICT: Any section or sections of the city of Piedmont for which the regulations governing use of the land and use, density, bulk, height, and coverage of buildings and other structures are uniform.
127. ZONING MAP: The Piedmont Zoning Map, which delineates the extent of each zoning district established in the zoning ordinance.
128. ZONING ORDINANCE: The ordinance adopted by the Board of Trustees to implement the Piedmont Comprehensive Plan.
129. YARD: An open space between a building and the lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

1. **74:53:01:16. Minimum lot size required.** A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 20,000 square feet in surface area. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 43,560 square feet (1 acre) when potable water is supplied by a private water supply system located on the lot. A water-carriage wastewater treatment system may be installed and operated on a lot which is 20,000 square feet in surface area or larger if the requirements of § 74:53:01:19 are met and the premises are supplied by a public water supply system, a private water supply system not located on the lot, or by hauling and storage of potable water in a cistern. The requirements of this section do not apply if wastewater is emptied into a holding tank or an unconventional system is used.

   Dated this 17th day of September, 2013

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   Philip C. Anderson, President

   Piedmont Board of Trustees

   ATTEST:

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   Diana L. Evans

   Piedmont Finance Officer

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