

**TITLE 17**  
**ZONING PROVISIONS**

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2014-01 BUILDING CODE AND CONSTRUCTION ENFORCEMENT

## **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.

## **17.02 SHORT TITLE**

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

## **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.

## **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.”

## **17.05 ADMINISTRATION AND ENFORCEMENT**

- A. GENERAL PROVISIONS FOR APPLICATION OF REGULATIONS. This Ordinance regulates the erection, construction, reconstruction, alteration, use of buildings and structures, and the use of land.
- B. 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.
- C. 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.
- D. 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.

- E. **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 a simple majority of the quorum present 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 is required to pass under this Ordinance, or to affect any variation in this Ordinance.
- F. **BUILDING PERMIT REQUIRED.** All new development, changes to existing development, and changes to the type or number of uses requires a building permit, unless the development is exempt per the Building Code and Construction Enforcement Ordinance, City of Piedmont Ordinance #2014-1.
- F. **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 building permit, the conditional use must be approved by the Board of Trustees.
  - a. Required Information for Conditional Use Requests. The Planning and Zoning Board shall formulate written policies that address the required application materials for conditional use requests.
  - b. 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.
    - i. *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.

*ii. Services*

1. The existing transportation system is capable of supporting the proposed use;
2. The 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.

*iii. Comprehensive Plan*

1. The proposal is consistent with the goals identified in the Piedmont Comprehensive Plan.

c. Conditional Use Review Process. Upon submittal of a complete application, a public hearing will be scheduled with the Planning and Zoning Board.

- i. *Public Notice.* Notification of surrounding property owners and interested parties shall be accomplished by posting a sign on the property, notification in the City's legal newspaper, and mailing notices of public hearing to neighboring property owners.
  1. *Posting of sign.* A sign noting that a conditional use review has been requested shall be posted on the site not less than ten (10) days before the public hearing before the Planning and Zoning Board. The sign shall be maintained on the site until the Board of Trustees has taken action on the request, or the application is withdrawn by the applicant. Approved signs shall be secured from the City of Piedmont who shall require a reasonable deposit to cover the cost of replacement of the sign(s) and who shall determine the number and location of the sign(s) to be posted on the site.
  2. *Publication.* 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.
  3. *Property owner notification.* The applicant shall, by certified mail, notify all property owners adjacent to, and within two hundred and fifty (250) feet of the perimeter of the property, inclusive of public right-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.
- ii. *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.

- iii. *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.
- iv. *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.
- d. 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.
- e. 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 thirty (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, the conditional use shall be continued in force. If a hearing has been requested by the property owner, or their representative 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.

**G. 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 building permit for a proposal that does not meet the development standards of the zoning district. Variances to uses are prohibited.

- a. Required Information for a Variance Request. The Planning and Zoning Board shall formulate written policies that address the required application materials for variance requests.
- b. 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.
- c. Variance Review Process. Upon submittal of a complete application, a recommendation meeting will be scheduled with the Planning and Zoning Board.
  - i. *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.
  - ii. *Public Notice of Board of Adjustment Hearing.* Notification of surrounding property owners and interested parties shall be accomplished by posting a sign on the property, notification in the City's legal newspaper, and mailing notices of public hearing to neighboring property owners.
    - 1. Posting of sign. A sign noting that a variance has been requested shall be posted on the site not less than ten (10) days before the public hearing before the Board of Adjustment. The sign shall be maintained on the site until final action is taken on the request, or the application is withdrawn by the applicant. Approved signs shall be secured from the City of Piedmont who shall require a

reasonable deposit to cover the cost of replacement of the sign(s) and who shall determine the number and location of the sign(s) to be posted on the site.

2. Publication. 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.
3. Property owner notification. The applicant shall, by certified mail, notify all property owners adjacent to, and within two hundred and fifty (250) feet of the perimeter of the property, inclusive of public right-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.

iii. *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.

iv. *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.

**H. 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.

- a. Required Information for an Amendment Request. The Planning and Zoning Board shall formulate written policies that address the required application materials for amendment requests.
- b. 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.
- c. Ordinance Amendment Review Process. Upon submittal of a complete application, a public hearing will be scheduled with the Planning and Zoning Board.
  - i. *Public Notice of Planning and 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.
  1. *Zoning Map Amendment Public Notice.* For proposed amendments to the Piedmont Zoning Map, the applicant shall, by certified mail, notify all property owners adjacent to, and within two hundred and fifty (250) feet of the perimeter of the property, inclusive of public right-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. In addition, a sign noting the fact that a zoning map amendment has been requested shall be posted on the site not less than ten (10) days before the public hearing before the Planning and Zoning Board. The sign shall be maintained on the site until the Board of Trustees has taken action on the request, or the application is withdrawn by the applicant. Approved signs shall be secured from the City of Piedmont who shall require a reasonable deposit to cover the cost of replacement of the sign(s) and who shall determine the number and location of the sign(s) to be posted on the site.
  - ii. *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.
  - iii. *Public Notice of Board of Trustees Hearing.* The Board of Trustees shall publish twice, for two successive weeks, notice of the 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.
  - iv. *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 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.

v. *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.

## **17.06 ZONING DISTRICTS AND REGULATIONS**

A. ESTABLISHMENT OF ZONING DISTRICTS. For the purposes of this Ordinance, the City of Piedmont is divided into the following districts: Town Center; General Commercial; Highway Commercial; Neighborhood Commercial; Rural Reserve; Single-Family Residential; Rural Residential; and, No Use.

B. OFFICIAL ZONING MAP. The location and boundaries of the zoning districts established by this Ordinance are denoted and defined as shown on the "Official 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.

C. 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:

- a. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of streets, highways, or alleys.
- b. 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.
- c. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- d. 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.
- e. Boundaries shown as following or closely following the limits of the city shall be construed as following such limits.
- f. 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.

- g. 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.

**D. 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.

**E. 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*.

**F. 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.

- a. 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.
- b. 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.
- c. 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.

**G. 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.

## H. TOWN CENTER DISTRICT

- a. 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.
- b. 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.
- c. 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.

i. *Town Center District Uses Table.*

TOWN CENTER DISTRICT USES	
RESIDENTIAL CATEGORIES	
Group Living	CU
Manufactured Home Parks	N
Multi-Dwelling Units	CU
Single-Dwelling Units	Y
COMMERCIAL CATEGORIES	
Adult-Oriented Businesses	N
Amusement and Recreation Establishments	Y
Automotive Sales and Rentals	Y
Bars	Y
Drive-through Restaurants	Y
Financial Services	Y
Hotels	Y
Kennels	N
Liquor Stores	Y
Major Event Entertainment	CU
Medical Office	Y
Office	Y
Personal Services	Y
Plant Nursery	Y
Recreational Vehicle Parks	CU
Restaurants	Y
Retail Sales and Services	Y
Self-Service Storage	N
Temporary Campgrounds	Y
Temporary Merchants	Y
Vehicle Service and Repair	CU
Veterinary Services	CU
INDUSTRIAL CATEGORIES	
Industrial Service	CU
Manufacturing and Production	CU
Railroad Yards	N
Warehouse and Freight Movement	N
Waste-Related Facilities	N

Wholesale Sales	CU
<b>INSTITUTIONAL CATEGORIES</b>	
Assisted Living Facility	CU
Basic Utilities and Services	Y
Club or Lodge	Y
Community Facilities	CU
Convention Center	CU
Daycare Centers	CU
Detention Facilities	N
Major Utility Facilities	CU
Hospital	CU
Parks and Open Areas	CU
Religious Institutions	CU
Schools	CU
<b>OTHER CATEGORIES</b>	
Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	N
Ranching and Farming	N
Small Wind Energy Systems	CU
Surface Passenger Facilities	N
Wireless Telecommunication Facilities	CU

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

d. **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.

i. ***Town Center District Development Standards Summary Table.***

**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	– 0 feet
– Side	– 5 feet
– Rear	– 25 feet
– All Other Categories	
– Front	– 25 feet
– Side	– 5 feet
– Rear	– 25 feet
Maximum Height	35 feet
Maximum Lot Coverage	40%

- ii. *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<sup>i</sup>.
- iii. *Maximum residential density.* The maximum density for all residential structures is stated in the table above.
- iv. *Minimum setbacks.* The minimum setbacks for all structures are stated in the table above.
  - 1. Exceptions to the minimum setbacks.
    - a. Detached accessory structures shall be set back 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.
    - b. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height.* The maximum height for all structures is stated in the table above.
  - 1. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
    - b. 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.
    - c. The height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

## I. RURAL RESERVE DISTRICT

- a. 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.
- b. Where These Zoning Regulations Apply. The Rural Reserve zoning regulations apply to all land designated as Rural Reserve on the Zoning Map.
- c. Rural Reserve District Use Regulations. The use regulations listed in the table below are intended to promote agricultural uses until urbanization is warranted.

i. *Rural Reserve District Uses Table.*

<b>RURAL RESERVE DISTRICT USES</b>	
<b>RESIDENTIAL CATEGORIES</b>	
Group Living	CU
Manufactured Home Parks	N
Multi-Dwelling Units	N
Single-Dwelling Units	Y
<b>COMMERCIAL CATEGORIES</b>	
Adult-Oriented Businesses	N
Amusement and Recreation Establishments	N
Automotive Sales and Rentals	N
Bars	N
Drive-through Restaurants	N
Financial Services	N
Hotels	N
Kennels	CU
Liquor Stores	N
Major Event Entertainment	CU
Medical Office	N
Office	N
Personal Services	N
Plant Nursery	N
Recreational Vehicle Parks	N
Restaurants	N
Retail Sales and Services	N
Self-Service Storage	N
Temporary Campgrounds	N
Temporary Merchants	N
Vehicle Service and Repair	N
Veterinary Services	CU
<b>INDUSTRIAL CATEGORIES</b>	
Industrial Service	N
Manufacturing and Production	N
Railroad Yards	CU
Warehouse and Freight Movement	N
Waste-Related Facilities	CU
Wholesale Sales	N
<b>INSTITUTIONAL CATEGORIES</b>	
Assisted Living Facility	N
Basic Utilities and Services	Y
Club or Lodge	CU
Community Facilities	CU
Convention Center	N
Daycare Centers	CU
Detention Facilities	CU
Major Utility Facilities	CU
Hospital	N
Parks and Open Areas	CU
Religious Institutions	CU
Schools	CU
<b>OTHER CATEGORIES</b>	
Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	CU
Ranching and Farming	Y
Small Wind Energy Systems	CU
Surface Passenger Facilities	CU
Wireless Telecommunication Facilities	CU

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

d. 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.

i. *Rural Reserve District Development Standards Summary Table.*

**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	– 25 feet
– Side	– 10 feet
– Rear	– 25 feet
Maximum Height	35 feet
Maximum Lot Coverage	10%

- ii. *Minimum lot size*. The minimum lot area for all primary structures is stated in the table above.
- iii. *Maximum residential density*. The maximum density for all primary residential structures is stated in the table above.
- iv. *Minimum setbacks*. The minimum setbacks for all structures are stated in the table above.
  1. Exceptions to the minimum setbacks.
    - a. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height*. The maximum height for all structures is stated in the table above.
  1. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
    - b. 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.

- c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

## J. GENERAL COMMERCIAL DISTRICT

- a. Purpose. The purpose of the General Commercial District is to provide for commercial services that serve local and regional needs and are accessible from major traffic ways.
- b. 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.
- c. 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.

### i. *General Commercial District Uses Table.*

#### GENERAL COMMERCIAL DISTRICT USES

RESIDENTIAL CATEGORIES	
Group Living	CU
Manufactured Home Parks	CU
Multi-Dwelling Units	CU
Single-Dwelling Units	N
COMMERCIAL CATEGORIES	
Adult-Oriented Businesses	CU
Amusement and Recreation Establishments	Y
Automotive Sales and Rentals	CU
Bars	Y
Drive-through Restaurants	CU
Financial Services	Y
Hotels	CU
Kennels	CU
Liquor Stores	Y
Major Event Entertainment	CU
Medical Office	Y
Office	Y
Personal Services	Y
Plant Nursery	Y
Recreational Vehicle Parks	Y
Restaurants	Y
Retail Sales and Services	Y
Self-Service Storage	CU
Temporary Campgrounds	CU
Temporary Merchants	CU
Vehicle Service and Repair	Y
Veterinary Services	Y
INDUSTRIAL CATEGORIES	
Industrial Service	CU
Manufacturing and Production	CU

Railroad Yards	CU
Warehouse and Freight Movement	CU
Waste-Related Facilities	CU
Wholesale Sales	CU
<b>INSTITUTIONAL CATEGORIES</b>	
Assisted Living Facility	Y
Basic Utilities and Services	Y
Club or Lodge	Y
Community Facilities	Y
Convention Center	CU
Daycare Centers	Y
Detention Facilities	N
Major Utility Facilities	CU
Hospital	CU
Parks and Open Areas	Y
Religious Institutions	Y
Schools	Y
<b>OTHER CATEGORIES</b>	
Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	N
Ranching and Farming	N
Small Wind Energy Systems	CU
Surface Passenger Facilities	CU
Wireless Telecommunication Facilities	CU

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

d. **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.

i. *General Commercial District Development Standards Summary Table.*

**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	–    25 feet
–    Side	–    5 feet
–    Rear	–    5 feet
Maximum Height	35 feet
Maximum Lot Coverage	
–    Commercial Categories	–    None

- ii. *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.
- iii. *Maximum residential density.* The maximum density for all primary residential structures is stated in the table above.
- iv. *Minimum setbacks.* The minimum setbacks for all structures are stated in the table above.
  - 1. Exceptions to the minimum setbacks.
    - a. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height.* The maximum height for all structures is stated in the table above.
  - 1. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
    - b. 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.
    - c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

## K. NEIGHBORHOOD COMMERCIAL DISTRICT

- a. Purpose. The purpose of the Neighborhood Commercial District is to provide for small-scale retail and office facilities that serve a local market and are generally accessible from major traffic ways.
- b. Where These Zoning Regulations Apply. The Neighborhood Commercial zoning regulations apply to all land designated as Neighborhood Commercial on the City of Piedmont Zoning Map.
- c. Neighborhood Commercial District Use Regulations. The use regulations listed in the table below are intended to maintain and promote small-scale commercial uses. The regulations allow for some non-commercial uses, but not to such an extent as to sacrifice the purpose of the district.
  - i. *Neighborhood Commercial District Uses Table.*

### NEIGHBORHOOD COMMERCIAL DISTRICT USES

#### RESIDENTIAL CATEGORIES

Group Living	CU
Manufactured Home Parks	N
Multi-Dwelling Units	CU
Single-Dwelling Units	Y

#### COMMERCIAL CATEGORIES

Adult-Oriented Businesses	N
Amusement and Recreation Establishments	CU
Automotive Sales and Rentals	N
Bars	CU
Drive-through Restaurants	CU
Financial Services	CU
Hotels	CU
Kennels	N
Liquor Stores	CU
Major Event Entertainment	N
Medical Office	CU
Office	CU
Personal Services	CU
Plant Nursery	CU
Recreational Vehicle Parks	N
Restaurants	CU
Retail Sales and Services	CU
Self-Service Storage	N
Temporary Campgrounds	CU
Temporary Merchants	CU
Vehicle Service and Repair	CU
Veterinary Services	CU

#### INDUSTRIAL CATEGORIES

Industrial Service	N
Manufacturing and Production	N
Railroad Yards	N
Warehouse and Freight Movement	N
Waste-Related Facilities	N
Wholesale Sales	N

#### INSTITUTIONAL CATEGORIES

Assisted Living Facility	CU
Basic Utilities and Services	Y
Club or Lodge	CU
Community Facilities	CU
Convention Center	N
Daycare Centers	Y
Detention Facilities	N
Major Utility Facilities	CU
Hospital	N
Parks and Open Areas	Y
Religious Institutions	CU
Schools	CU

#### OTHER CATEGORIES

Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	N
Ranching and Farming	N
Small Wind Energy Systems	CU
Surface Passenger Facilities	N
Wireless Telecommunication Facilities	CU

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

d. Neighborhood Commercial District Development Standards. The development standards in the Neighborhood Commercial District regulate the development of land in order to promote the character of the district.

i. *Neighborhood Commercial District Development Standards Summary Table.*

#### NEIGHBORHOOD COMMERCIAL DISTRICT DEVELOPMENT STANDARDS

NEIGHBORHOOD COMMERCIAL DISTRICT	STANDARD
Minimum Lot Size	10,000 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	– 25 feet
– Side	– 5 feet
– Rear	– 5 feet
Maximum Height	35 feet
Maximum Lot Coverage	
– Commercial Categories	– None
– All Other Categories	– 40%

- ii. *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.
- iii. *Maximum residential density.* The maximum density for all primary residential structures is stated in the table above.
- iv. *Minimum setbacks.* The minimum setbacks for all structures are stated in the table above.
  - 1. Exceptions to the minimum setbacks.
    - a. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height.* The maximum height for all structures is stated in the table above.
  - 1. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.

- b. 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.
- c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.

vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

## L. HIGHWAY COMMERCIAL DISTRICT

- a. Purpose. The purpose of the Highway Commercial District is to provide for businesses that have characteristics that require the use to be located within close proximity of the highway. The district is characterized by a mix of commercial uses.
- b. Where These Zoning Regulations Apply. The Highway Commercial zoning regulations apply to all land designated as Highway Commercial on the City of Piedmont Zoning Map.
- c. Highway Commercial District Use Regulations. The use regulations listed in the table below are intended to maintain and promote highway-oriented commercial uses.

### i. *Highway Commercial District Uses Table.*

#### **HIGHWAY COMMERCIAL DISTRICT USES**

RESIDENTIAL CATEGORIES	
Group Living	N
Manufactured Home Parks	N
Multi-Dwelling Units	N
Single-Dwelling Units	N
COMMERCIAL CATEGORIES	
Adult-Oriented Businesses	CU
Amusement and Recreation Establishments	Y
Automotive Sales and Rentals	Y
Bars	Y
Drive-through Restaurants	Y
Financial Services	Y
Hotels	Y
Kennels	CU
Liquor Stores	Y
Major Event Entertainment	CU
Medical Office	Y
Office	Y
Personal Services	Y
Plant Nursery	Y
Recreational Vehicle Parks	Y
Restaurants	Y
Retail Sales and Services	Y
Self-Service Storage	CU
Temporary Campgrounds	CU

Temporary Merchants	CU
Vehicle Service and Repair	Y
Veterinary Services	Y
<b>INDUSTRIAL CATEGORIES</b>	
Industrial Service	CU
Manufacturing and Production	CU
Railroad Yards	CU
Warehouse and Freight Movement	CU
Waste-Related Facilities	CU
Wholesale Sales	CU
<b>INSTITUTIONAL CATEGORIES</b>	
Assisted Living Facility	Y
Basic Utilities and Services	Y
Club or Lodge	Y
Community Facilities	Y
Convention Center	Y
Daycare Centers	Y
Detention Facilities	N
Major Utility Facilities	CU
Hospital	Y
Parks and Open Areas	Y
Religious Institutions	Y
Schools	Y
<b>OTHER CATEGORIES</b>	
Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	N
Ranching and Farming	N
Small Wind Energy Systems	CU
Surface Passenger Facilities	CU
Wireless Telecommunication Facilities	CU

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

d. **Highway Commercial District Development Standards.** The development standards in the Highway Commercial District regulate the development of land in order to promote the character of the district.

i. *Highway Commercial District Development Standards Summary Table.*

**HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS**

HIGHWAY COMMERCIAL DISTRICT	STANDARD
Minimum Lot Size	20,000 SF
Maximum Residential Density	N/A
Minimum Setbacks	
– Front	– 25 feet
– Side	– 5 feet
– Rear	– 5 feet
Maximum Height	35 feet
Maximum Lot Coverage	None

- ii. *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.
- iii. *Maximum residential density.* The maximum density for all primary residential structures is stated in the table above.
- iv. *Minimum setbacks.* The minimum setbacks for all structures are stated in the table above.
  - 1. Exceptions to the minimum setbacks.
    - a. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height.* The maximum height for all structures is stated in the table above.
  - 2. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
    - b. 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.
    - c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

#### M. SINGLE-FAMILY RESIDENTIAL DISTRICT

- a. Purpose. The purpose of the Single-Family Residential District is to preserve and promote single-family residential neighborhoods.
- b. 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.
- c. 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.

i. *Single-Family Residential District Uses Table.*

**SINGLE-FAMILY RESIDENTIAL DISTRICT USES**

RESIDENTIAL CATEGORIES		CU
Group Living		CU
Manufactured Home Parks		N
Multi-Dwelling Units		N
Single-Dwelling Units		Y
COMMERCIAL CATEGORIES		
Adult-Oriented Businesses		N
Amusement and Recreation Establishments		N
Automotive Sales and Rentals		N
Bars		N
Drive-through Restaurants		N
Financial Services		N
Hotels		N
Kennels		N
Liquor Stores		N
Major Event Entertainment		N
Medical Office		N
Office		N
Personal Services		N
Plant Nursery		N
Recreational Vehicle Parks		N
Restaurants		N
Retail Sales and Services		N
Self-Service Storage		N
Temporary Campgrounds		N
Temporary Merchants		N
Vehicle Service and Repair		N
Veterinary Services		N
INDUSTRIAL CATEGORIES		
Industrial Service		N
Manufacturing and Production		N
Railroad Yards		N
Warehouse and Freight Movement		N
Waste-Related Facilities		N
Wholesale Sales		N
INSTITUTIONAL CATEGORIES		
Assisted Living Facility		N
Basic Utilities and Services		Y
Club or Lodge		N
Community Facilities		CU
Convention Center		N
Daycare Centers		CU
Detention Facilities		N
Major Utility Facilities		CU
Hospital		N
Parks and Open Areas		CU
Religious Institutions		CU
Schools		CU
OTHER CATEGORIES		
Concentrated Animal Feeding Operations		N
Home Occupations		Y
Mining and Mineral Extraction Facilities		N
Ranching and Farming		N
Small Wind Energy Systems		CU
Surface Passenger Facilities		N
Wireless Telecommunication Facilities		CU

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

d. 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.

ii. *Single-Family Residential District Development Standards Summary Table.*

**SINGLE-FAMILY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**

SFR DISTRICT	STANDARD
<b>Minimum Lot Size</b>	
– Residential Categories	– $\frac{1}{2}$ acre
– All Other Categories	– 1 acre
<b>Maximum Residential Density</b>	
1 residence per $\frac{1}{2}$ acre	
<b>Minimum Setbacks</b>	
– Residential Categories	– 25 feet
– Front	– 10 feet
– Side	– 25 feet
– Rear	
– All Other Categories	– 35 feet
– Front	– 35 feet
– Side	– 35 feet
– Rear	
<b>Maximum Height</b>	
35 feet	
<b>Maximum Lot Coverage</b>	
30%	

iii. *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.

iv. *Maximum residential density.* The maximum density for all primary residential structures is stated in the table above.

v. *Minimum setbacks.* The minimum setbacks for all structures are stated in the table above.

1. Exceptions to the minimum setbacks.

a. Accessory structures shall be set back 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.

- b. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum height.* The maximum height for all structures is stated in the table above.
- 2. Exceptions to maximum height.
  - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
  - b. 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.
  - c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vii. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.

## N. RURAL RESIDENTIAL DISTRICT

- a. Purpose. The purpose of the Rural Residential District is to maintain existing concentrations of low-density residential development.
- b. Where These Zoning Regulations Apply. The Rural Reserve zoning regulations apply to all land designated as Rural Residential on the Zoning Map.
- c. Rural Residential District Use Regulations. The use regulations listed in the table below are intended to promote low-density residential development.

### i. *Rural Residential District Uses Table.*

#### RURAL RESIDENTIAL DISTRICT USES

RESIDENTIAL CATEGORIES	
Group Living	CU
Manufactured Home Parks	N
Multi-Dwelling Units	N
Single-Dwelling Units	Y
COMMERCIAL CATEGORIES	
Adult-Oriented Businesses	N
Amusement and Recreation Establishments	N
Automotive Sales and Rentals	N
Bars	N
Drive-through Restaurants	N
Financial Services	N
Hotels	N
Kennels	N

Liquor Stores	N
Major Event Entertainment	N
Medical Office	N
Office	N
Personal Services	N
Plant Nursery	N
Recreational Vehicle Parks	N
Restaurants	N
Retail Sales and Services	N
Self-Service Storage	N
Temporary Campgrounds	N
Temporary Merchants	N
Vehicle Service and Repair	N
Veterinary Services	N
<b>INDUSTRIAL CATEGORIES</b>	
Industrial Service	N
Manufacturing and Production	N
Railroad Yards	N
Warehouse and Freight Movement	N
Waste-Related Facilities	N
Wholesale Sales	N
<b>INSTITUTIONAL CATEGORIES</b>	
Assisted Living Facility	N
Basic Utilities and Services	Y
Club or Lodge	N
Community Facilities	CU
Convention Center	N
Daycare Centers	CU
Detention Facilities	N
Major Utility Facilities	CU
Hospital	N
Parks and Open Areas	CU
Religious Institutions	CU
Schools	CU
<b>OTHER CATEGORIES</b>	
Concentrated Animal Feeding Operations	N
Home Occupations	Y
Mining and Mineral Extraction Facilities	N
Ranching and Farming	N
Small Wind Energy Systems	CU
Surface Passenger Facilities	N
Wireless Telecommunication Facilities	CU

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

d. **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.

i. *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	– 25 feet
–	Side	– 10 feet
–	Rear	– 25 feet
	Maximum Height	35 feet
	Maximum Lot Coverage	10%

- ii. *Minimum lot size.* The minimum lot area for all primary structures is stated in the table above.
- iii. *Maximum residential density.* The maximum density for all primary residential structures is stated in the table above.
- iv. *Minimum setbacks.* The minimum setbacks for all primary structures are stated in the table above.
  - 1. Exceptions to the minimum setbacks.
    - a. The setback requirements for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- v. *Maximum height.* The maximum height for all structures is stated in the table above.
  - 1. Exceptions to maximum height.
    - a. Chimneys, flag poles, and satellite dishes may extend above the height limit.
    - b. 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.
    - c. Height regulations for Wind Energy Systems and Wireless Telecommunication Facilities are listed in Section 17.06.P.
- vi. *Maximum lot coverage.* The maximum lot coverage for all primary and accessory structures is stated in the table above.
  - 1. Exceptions to lot coverage.
    - a. Non-conforming lots of record that are 1.5 acres or less may have a maximum lot coverage of 15%.

## O. NO USE DISTRICT

- a. 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.
- b. 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.
- c. 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.

## P. DEVELOPMENT STANDARDS FOR SPECIFIC USES IN ALL ZONING DISTRICTS.

- a. Purpose. The purpose of this subsection is to set development standards for specific land uses that apply to that use throughout all zoning districts.
- b. Where These Zoning Regulations Apply. The regulations in this section apply to all zoning districts.
- c. 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*.
- d. Manufactured Home Parks. All proposed Manufactured Home Parks shall comply with Ordinance #2011-3, *An Ordinance Establishing Controls and Restrictions on Manufactured Homes*.
- e. 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*.
- f. Wireless Telecommunication Facilities.
  - i. *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.

ii. *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.

iii. *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.
  - a. The utility easement or right-of-way shall be a minimum of one-hundred (100) feet in width.
  - b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
  - c. 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.
  - d. Monopoles and the accessory equipment associated therewith shall be set back a minimum of fifteen (15)

feet from all boundaries of the easement or right-of-way.

- e. 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.
- f. 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.

iv. *Design and Aesthetics*

1. Monopoles and Towers

- a. 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.

v. *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.

- vi. *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.
- vii. *Accessory equipment.* An equipment building, shelter, or cabinet must not exceed five-hundred and sixty (560) square feet and twelve (12) feet in height.
- viii. *Safety.* Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than six (6) feet in height.
- ix. *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.

g. Small Wind Energy Systems.

- i. *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.
- ii. *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.

- iii. *Lighting.* A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- iv. *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.
- v. *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.
- vi. *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.
- vii. *Code compliance.* A small wind energy system shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- viii. *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.
- ix. *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.

h. Major Utility Facility. The purpose of the Major Utility Facility regulations is to protect neighboring properties from potential adverse impacts of the facilities.

i. *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.

ii. *Impact standards.*

1. There shall not be any offensive noise, smoke, dust, or heat noticeable beyond the premises.

iii. *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.

i. 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.

i. *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 character.

ii. *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.

iii. *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.

j. 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.

- i. *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.
- ii. *Department of Health.* The Recreational Vehicle Park shall meet all requirements of the State of South Dakota Department of Health.
- iii. *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 seven hundred and fifty (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.

- k. **LOCATION OF ADULT-ORIENTED BUSINESSES.** No adult-oriented business may be located with one-fourth (1/4) mile of a child welfare agency, a private or public school, a public playground, a public recreation facility, a residence, or a place of worship.

## **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.

- A. **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.

- B. 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.
- C. 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.
- D. 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 or conditional use may be developed, altered or enlarged on a non-conforming lot of record so long as all other development standards are met and the appropriate reviews are completed.

#### **17.08 FEES**

A fee shall be paid upon application for a conditional use, variance, or ordinance amendment. The fees shall be set by resolution of the Board of Trustees.

#### **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.

#### **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.

## **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.

## **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.

## **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. As a rule of law, the City may not enforce covenants.

## **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.

## **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.

## **17.16 ORDINANCE LANGUAGE AND DEFINITIONS**

### **A. 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.

### **B. 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.

- C. 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.
- D. 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.
  - a. ABUT: See *ADJOIN*.
  - b. 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, storage sheds, and other structures.
  - c. 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.
  - d. ADJACENT: Parcels with no private lots between them; can be shared by public right-of-way.
  - e. ADJOIN: To share any portion of a lot line, including a single point.
  - f. ADMINISTRATIVE OFFICIAL: The officer appointed by the City to administer these regulations.
  - g. 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.
  - h. 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.
  - i. 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.
  - j. 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.

- k. **AMUSEMENT AND RECREATION ESTABLISHMENTS:** Businesses whose primary function is entertainment. Examples include: theaters; billiards halls; bowling alleys; miniature golf; and, game arcades.
- l. **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.
- m. **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.
- n. **ASSISTED LIVING FACILITY:** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- o. **AUTOMOTIVE SALES AND RENTALS:** Buildings and premises for the sale, rental, and ancillary service of vehicles such as automobiles, motorcycles, and boats.
- p. **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.
- q. **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.
- r. **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.
- s. **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.
- t. **BOARD OF TRUSTEES:** The City of Piedmont Board of Trustees.
- u. **BUILDING:** A structure that has a roof and is enclosed on its sides.
- v. **BUILDING COVERAGE:** The area that is covered by buildings and other roofed structures.
- w. **CARETAKER:** A caretaker looks after or provides security for goods or property.
- x. **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.
- y. **CITY:** The City of Piedmont, South Dakota.

- z. CLUB OR LODGE: The use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.
- aa. 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; public swimming pools; and, public safety facilities, such as police, ambulance, and fire stations.
- bb. COMPLETE APPLICATION: A complete application contains all of the information and items required per this Ordinance, and/or City policy.
- cc. COMPREHENSIVE PLAN: The currently adopted Piedmont Comprehensive Plan.
- dd. CONCENTRATED ANIMAL FEEDING OPERATION (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.
- ee. 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.
- ff. CONVENTION CENTER: A facility used for business or professional conferences and seminars.
- gg. 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.
- hh. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR): The South Dakota Department of Environment and Natural Resources.
- ii. DEPARTMENT OF HEALTH: The South Dakota Department of Health.
- jj. 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.
- kk. DEVELOP: To construct or alter a structure or to make a physical change to the land.

- ll. DRAINAGEWAY: An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water.
- mm. DRIVEWAY: The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site.
- nn. 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.
- oo. 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.
- pp. FINANCIAL SERVICES: The use of a site for the provision of financial and banking services. Examples include: banks; credit unions; savings and loan institutions; and loan and lending activities.
- qq. 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.
- rr. 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.
- ss. 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; group homes for the physically or intellectually disabled, or emotionally disturbed; and, residential programs for drug and alcohol treatment.
- tt. HEIGHT: The vertical distance measured from the average ground elevation of the proposed finished grade to the highest point of the structure.
- uu. 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.
- vv. HOSPITAL: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient department, training facilities, central services facilities, cafeterias, and staff offices that are an integral part of the facilities.
- ww. HOTEL: A building designed, used or offered for temporary residential occupancy, including tourist homes and motels.
- xx. HOUSE: A detached dwelling unit located on its own lot.

- yy. **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.
- zz. **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; towing and vehicle storage; fuel oil distributors; and, laundry, dry-cleaning and carpet cleaning plants.
- aaa. **KENNEL:** The use of a site for the boarding and care of dogs, cats, or similar small animals. This use includes: boarding kennels; pet motels; and dog training centers.
- bbb. **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.
- ccc. **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.
- ddd. **LIQUOR STORES:** A liquor store is characterized by the retail sale of beer, wine, and/or other alcoholic beverages for consumption off-premises.
- eee. **LOT:** A parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, or developed.
- fff. **LOT LINE:** The property lines along the edge of a lot.
- ggg. **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.
- hhh. **LOT LINE, REAR:** A lot line that is opposite a front lot line.
- iii. **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.
- jjj. **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.
- kkk. **MAJOR UTILITY FACILITIES:** 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.

- ill. **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.
- mmm. **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.
- nnn. **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.
- ooo. **MEDICAL OFFICE:** Medical office uses are characterized by the delivery of medical services in an office setting. Examples include: doctor's offices; dentist offices; urgent medical care facilities; and, blood collection facilities.
- ppp. **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.
- qqq. **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.
- rrr. **MONOPOLE:** A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Ordinance, a monopole is not a tower.
- sss. **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.
- ttt. **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; and public utility offices.

- uuu. 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.
- vvv. 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.
- www. PARKING AREA: The area devoted to the parking, maneuvering, and circulation of motor vehicles.
- xxx. PARKING SPACE: A space designed to provide parking for a motor vehicle.
- yyy. 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.
- zzz. PERSONAL SERVICES: The use of a site for the provision of periodic services of a personal nature. Examples include: beauty or barber shops; seamstress or tailor services; shoe repair shops; laundromats; dry cleaning pick-up station services; photographic studios; tanning salons; dance classes; martial arts classes; music classes; funeral services; and animal grooming.
- aaaa. PLANNING AND ZONING BOARD: The City of Piedmont Planning and Zoning Board.
- bbbb. PLANT NURSERY: The use of a site for the sale of plants or related goods and services. Examples include: greenhouses and nurseries.
- cccc. PLAT: A map, plan, or layout indicating the location and boundaries of individual properties drawn in compliance to state requirements.
- dddd. 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.
- eeee. 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.
- ffff. 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.
- gggg. 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.

hhhh. **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.

iiii. **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.

jiji. **RECREATIONAL VEHICLE SPACE:** The area within a recreational vehicle park designated for one recreational vehicle.

kkkk. **RELIGIOUS INSTITUTIONS:** Religious institutions provide meeting areas for religious activities. Examples include: churches; temples; synagogues; and, mosques.

llll. **RESTAURANTS:** An establishment that provides the sale and service of food or beverages for the ready consumption within the establishment.

mmmm. **RESTAURANTS, DRIVE-THROUGH:** An establishment that provides the sale and service of food or beverages for the ready consumption within the establishment or via a drive-through window.

nnnn. **RETAIL SALES AND SERVICES:** Retail sales and services businesses are involved in the sale or lease of products to the general public. Examples include: retail stores; shoe repair; print shops; and, private art galleries.

oooo. **RIGHT-OF-WAY:** A public area that allows for the passage of people or goods.

pppp. **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.

qqqq. **SANITARY LANDFILL:** A facility that complies with State of South Dakota regulations for the disposal of solid waste materials.

rrrr. **SCHOOLS:** A school is a private or public institution of education, which provides instruction at the elementary, middle, high school, or post-secondary level.

ssss. **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.

tttt. 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.

uuuu. SETBACK, FRONT: A setback measured from a front lot line.

vvvv. SETBACK, REAR: A setback measured from a rear lot line.

wwww. SETBACK, SIDE: A setback measured from a side lot line.

xxxx. SIDEWALK: A paved area for a pedestrian walkway paralleling and separated from the roadway.

yyyy. 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.

zzzz. 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. Garages and sheds are examples of accessory structures.

aaaaa. SITE: A parcel of land occupied or intended to be occupied by a building or structure.

bbbbb. SITE FRONTAGE: The part of the site that abuts a street.

ccccc. SITE PLAN: A plan for a development submitted by an applicant to demonstrate that the development complies with the requirements of this title.

ddddd. 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.

eeee. SUBDIVISION ORDINANCE: The City of Piedmont Subdivision Ordinance.

fffff. 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.

ggggg. SUPPORT STRUCTURE: A structure design to support telecommunications facilities including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.

hhhhh. 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.

iiiii. SURFACE PASSENGER FACILITIES: Surface passenger facilities are passenger terminals for regional bus or rail service. Examples include: bus and rail stations.

jjjjj. 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.

kkkkk. STREET: A public or private thoroughfare that affords the principal means of access to abutting property.

lllll. STREET LINE: The legal line between the street right-of-way and abutting property.

mmmmm. 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.

nnnnn. TEMPORARY CAMPGROUNDS: Campgrounds for overnight lodging of twenty (20) or more people for three (3) days or more consecutively or cumulatively in a calendar year.

ooooo. 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.

ppppp. 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.

qqqqq. TOWER: A lattice-type structure, guyed or freestanding, that supports one or more antennas.

rrrrr. TURBINE: The parts of a Wind Energy System including the blades, generator, and tail.

sssss. 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.

ttttt. 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.

uuuuu. UTILITY SUBSTATION: See Major Utility Facility.

vvvvv. VARIANCE: An officially approved exception to the strict development regulations set forth in the Zoning Ordinance.

wwwww. 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.

xxxxx. **VETERINARY SERVICES:** The use of a site for provision of veterinary services for animals. Examples include: pet clinics, and dog and cat hospitals.

yyyyy. **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.

zzzzz. **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.

aaaaaa. **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.

bbbbbb. **WHOLESALE SALES:** Wholesale sales businesses are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, agricultural, 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.

cccccc. **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 pad mount 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.

dddddd. **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.

eeeeee. **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.

- ffffff. 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.
- gggggg. ZONING MAP: The Piedmont Zoning Map, which delineates the extent of each zoning district established in the zoning ordinance.
- hhhhh. ZONING ORDINANCE: The ordinance adopted by the Board of Trustees to implement the Piedmont Comprehensive Plan.
- iiii. YARD: An open space between a building and the lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

<sup>1</sup> **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.

Upon making application for a zoning permit, any applicant shall pay the appropriate permit fee to the City. The amount of an applicant's permit fee shall be determined by reference to the following schedule. All such fees shall be paid to the City Finance Officer or the City Building Inspector who shall remit the fees to the Finance Officer to be deposited into the general fund of the City.

## **ZONING PERMIT FEE SCHEDULE**

### **Total Valuation Fees**

\$300 to \$500 .....	\$20.00
\$501 to \$2,000 .....	\$20.00 plus \$2.50 for each additional \$100 in valuation or fraction thereof up to \$2,000
\$2,001 to \$25,000 .....	\$57.00 plus \$10.50 for each additional \$1,000 in valuation or fraction thereof up to \$25,000
\$25,001 to \$50,000 .....	\$298.00 plus \$7.50 for each additional \$1,000 in valuation or fraction thereof up to \$50,000
\$50,001 to \$100,000 .....	\$485.00 plus \$4.50 for each additional \$1,000 in valuation or fraction thereof up to \$100,000
\$100,001 to \$500,000 .....	\$710.00 plus \$4.00 for each additional \$1,000 in valuation or fraction thereof up to \$500,000
\$500,001 to \$1,000,000 .....	\$2,310.00 plus \$3.75 for each additional \$1,000 in valuation or fraction thereof up to \$1,000,000
\$1,000,001 and UP .....	\$4,185.00 plus \$2.25 for each additional \$1,000 in valuation or fraction

If for any reason beyond the applicant's control the applicant does not construct the proposed project for which the permit was issued and cancels the permit, the amount of the permit less Fifty Dollars (\$50.00) or the total fee paid, whichever is less, shall be retained as an administrative fee with the remaining amount refunded to the applicant.

Fees for any conditional use, variance or ordinance amendment requests will be in the following amount:

### **CONDITIONAL USE, VARIANCE OR ORDINANCE AMENDMENT REQUESTS**

CONDITIONAL USE REQUEST	\$500
VARIANCES	\$300 minimum or a charge of \$100 per variance item sought or ordinance amendment sought, whichever is greater

On the showing of good cause, the Board of Trustees may deviate from the fees imposed for variances or ordinance amendments if the fee amount for a project is appealed to the Board of Trustees. The Board of Trustees cannot provide a variance or change in the

application zoning permit fees, but can only modify zoning permit fees through a Resolution of the Board resetting the zoning permit fees.

## **2011-03 CONTROLS AND RESTRICTIONS ON MANUFACTURED HOMES**

- 17.01 GENERAL
- 17.02 MANUFACTURED HOME USES
- 17.03 DENSITY RESTRICTIONS
- 17.04 ANCHORAGE
- 17.05 SKIRTING
- 17.06 SEWER AND WATER
- 17.07 ACCESSORY BUILDINGS AND STRUCTURES
- 17.08 NON-CONFORMING MANUFACTURED HOME PARKS AND MANUFACTURED HOMES
- 17.09 EXPANSION OF NON-CONFORMING MANUFACTURED HOME PARKS
- 17.10 MANUFACTURED HOME PARKS—LICENSE REQUIRED
- 17.11 ROAD CONSTRUCTION AND MAINTENANCE
- 17.12 DRAINAGE
- 17.13 GARBAGE REMOVAL
- 17.14 VIOLATION—PENALTY
- 17.15 ENFORCEMENT AND APPEAL

### **17.01 GENERAL**

A. Purpose. The purpose of this chapter is to provide guidelines for locating manufactured homes upon individual lots without adverse effects upon (1) property values, (2) the safety of the community, or (3) the occupants of the manufactured homes.

B. Definitions. For the purposes of this chapter, the following definitions shall apply:

1. MANUFACTURED HOME. A movable living unit designed for year-round occupancy, having no foundation other than wheels, jacks, piers or skirtings, 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.
2. MANUFACTURED HOME PARK. A contiguous parcel of land of at least five (5) acres that is used for the accommodation of occupied manufactured homes. Manufactured homes not consistent with the above definition shall not be eligible for placement within a manufactured home park or within the boundaries of the City.
3. MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE. Any awning, cabana, ramada, storage cabinet, carport, fence, windbreak, deck or porch established for the use of the occupant of the manufactured home on a manufactured home space.

4. LICENSE. A written license issued by the Board of Trustees pursuant to this chapter and regulations promulgated under this chapter.

## **17.02 MANUFACTURED HOME USES**

Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within manufactured home parks. No manufactured home more than 20 years old may be moved into Piedmont. A manufactured home located in Piedmont when less than 20 years old may remain in place as long as it meets all requirements of the Piedmont Municipal Code and state law, but may not be relocated in Piedmont after it is more than 20 years old.

## **17.03 DENSITY AND CLEARANCE RESTRICTIONS**

A. The density of manufactured homes within a manufactured home park shall not exceed one manufactured home for every 15,000 square feet of the manufactured home park. The total area from which this ratio is calculated shall include access roads, automobile parking, accessory building space, and recreational area. Setbacks from all exterior property boundaries and interior roads shall comply with the provisions for home construction.

B. For manufactured homes placed on a platted lot, a manufactured home cannot be placed on a platted lot within the municipal boundaries of the City that is less than 15,000 square feet. The Board of Trustees can provide a waiver of this requirement for lots platted before 2005 that previously had a manufactured home placed on the lot. Setbacks from all exterior property boundaries and interior roads shall comply with the provisions for home construction.

## **17.04 ANCHORAGE**

All manufactured homes and accessory structures shall be anchored per the manufacturer's recommended requirements. Any manufactured home or structure not anchored per the manufacturer's recommendations shall be anchored by a method approved by a registered engineer. In addition, anchorage shall comply with the current adopted building and fire codes for wind, seismic and flood loads.

## **17.05 SKIRTING**

Skirting of all manufactured homes shall be of non-combustible materials or of combustible materials that have a flame spread rating of 50 maximum and a smoke development rating of 450 maximum. Tires, hay bales, cardboard, foam insulation, lattice, T1-11, OSB and plywood are prohibited for use as skirting.

## **17.06 SEWER AND WATER**

Sanitary sewer and water supply systems shall be properly maintained at all times. Each manufactured home space shall be connected to the City's water supply systems. Any manufactured home park must be connected to a central sewer system approved by the Department of Environment and Natural Resources.

## **17.07 ACCESSORY BUILDINGS AND STRUCTURES**

Accessory garages, carports, sheds and decks are permitted. Permits are required in the same manner as for all building permits as provided for in the current building code adopted by the City. All new carports shall be of non-combustible materials.

## **17.08 NON-CONFORMING MANUFACTURED HOME PARKS AND MANUFACTURED HOMES**

A legal non-conforming manufactured home park, manufactured home or accessory structure existing at the time of the adoption of this chapter may be continued and maintained except as otherwise provided in this chapter. Skirting shall conform to the provisions of this chapter at all times.

## **17.09 EXPANSION OF NON-CONFORMING MANUFACTURED HOME PARKS**

Manufactured home parks shall not be expanded in area or by number of manufactured homes without first coming into compliance with this chapter. However, newer manufactured homes less than 20 years old may be placed on the site as long as all clearances are met and they replace an existing older manufactured home and meet all conditions of the Piedmont Municipal Code and state law.

## **17.10 MANUFACTURED HOME PARKS—LICENSE REQUIRED**

Every lot or parcel where there exist more than two (2) manufactured homes shall apply for and obtain a license annually. The license application shall be provided by the Finance Officer. The applications shall be due by March 1 of every year. The fee shall be \$100 for each manufactured home park having up to three (3) manufactured homes, and an additional \$2 for each manufactured home in excess of three (3). For any manufactured home park found not to be in compliance, there shall be a re-inspection fee as provided in Table 100C of the International Building Code. This re-inspection fee shall be charged each time a manufactured home park is re-inspected.

## **17.11 ROAD CONSTRUCTION AND MAINTENANCE**

The owner of each manufactured home park shall be responsible for all interior road construction and maintenance, as well as snow removal within the manufactured home park.

## **17.12 DRAINAGE**

Manufactured homes, accessory structures, sheds, driveways, roadways, parking areas, sidewalks, and grading shall be constructed or placed in such a manner so as to ensure adequate drainage to protect property and improvements. It shall be the manufactured park owner's responsibility to assure compliance with this requirement.

## **17.13 GARBAGE REMOVAL**

Garbage removal shall be as provided by the manufactured home park owner.

## **17.14 VIOLATION—PENALTY**

Failure to comply with any requirements in this chapter shall constitute an offense and violation of this chapter. Each day any violation of this chapter continues shall constitute a new

and separate offense. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$50.00 per violation.

### **17.15 ENFORCEMENT AND APPEAL**

Upon determination of non-compliance with this chapter's requirements, the City shall give notice in writing to the manufactured park owner. Such notice shall specify any deficiencies or violations and a date by which the violation must be brought into compliance. Any person aggrieved by the City's decision may file an appeal within 30 days from the decision.

## **TITLE 17B**

### **2014-01 BUILDING CODE AND CONSTRUCTION ENFORCEMENT**

- 1.01 ADOPTION INTERNATIONAL BUILDING AND INTERNATIONAL RESIDENTIAL CODES
- 1.02 BUILDING PERMIT AND RELATED FEES
- 1.03 BUILDING OR CONSTRUCTION INSPECTIONS
- 2.01 CONSTRUCTION RESTRICTIONS
- 2.02 CLIMATIC AND GEOGRAPHICAL CRITERIA
- 2.03 COMPACTION CONTROL
- 3.01 CONTRACTORS LICENSING
- 3.02 LICENSES REQUIRED
- 3.03 LICENSE APPLICATION
- 3.04 LICENSE APPLICATION FEES
- 4.01 WORKING WITHOUT A PERMIT
- 4.02 ADDITIONAL INSPECTIONS
- 4.03 PENALTIES
- 5.01 VARIANCE PROCEDURES
- 5.02 APPLICATIONS REQUIRED
- 5.03 REQUIREMENTS FOR GRANTING VARIANCE
- 5.04 REPORT TO THE PIEDMONT BOARD OF TRUSTEES
- 5.05 PENALTIES FOR VIOLATION OF ORDINANCE NUMBER
- 6.01 SEVERABILITY AND SEPARABILITY

#### **1.01 ADOPTION INTERNATIONAL BUILDING AND INTERNATIONAL RESIDENTIAL CODES 2012**

The International Building Code 2012 edition, including Appendix C and Appendix 1 and the 2012 International Residential Code, as published by the International Code Council Inc. and amendments and addendums thereto as provided this ordinance are hereby adopted by the City of Piedmont as provided by South Dakota Codified Law Chapter 7-5-20(17) for regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, occupancy, equipment, use, height, area and maintenance, of all buildings or structures in the incorporated area of the City of Piedmont and providing for issuance of permits and collection

of fees therefore. The minimum building standards in the 2012 editions of the International Building and International Residential Codes and amendments thereto shall be applied to any building permit issued after March 17, 2014. A printed copy of such code and additions and amendments thereto is on file with the Piedmont City Planning Zoning Board. Also the current version of the Handbook for South Dakota Building Officials and Design Professional, South Dakota State Board of Technical Professional is hereby adopted by the City of Piedmont.

1. Scope: These regulations shall be known as the Building Code of the City of Piedmont, South Dakota, hereinafter referred to as "this code". The provisions of this code shall apply to the construction, alterations, movement, enlargement, replacement, structural repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

2. Exceptions:

A. Electrical: The term ICC Electrical Code shall mean ICC Electrical Code as adopted by the State Of South Dakota and shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. ICC Electrical Code shall be administered by the State of South Dakota.

B. Gas: The term International Fuel Gas Code shall mean the International Fuel Gas Code as adopted by the State of South Dakota and shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. The requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and related accessories. The International Fuel Gas Code shall be administered by the State of South Dakota.

C. Mechanical: The term International Mechanical Code shall mean the International Mechanical Code as adopted by the State of South Dakota and shall apply to the installation, alterations, repairs and replacement of Mechanical Systems including equipment, appliances, fixtures, fitting and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. The International Mechanical Code shall be administered by the State of South Dakota.

D. Plumbing: The term ICC Plumbing Code shall mean the ICC Plumbing Code as adopted by the State of South Dakota shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances and where connected to a water or sewage systems and all aspects of a medical gas system. ICC Plumbing Code shall be administered by the State of South Dakota.

E. Property Maintenance: The term International Property Maintenance Code shall mean the International Property Maintenance Code as adopted by the State of South Dakota and shall apply to existing structures and premises equipment and facilities, light, ventilation, space heating, sanitation, life, and fire safety hazard responsibilities of owners, operators and occupants, and occupancy of owners, operators, and occupants, and occupancy of existing premises and structure. The International Property Maintenance Code shall be administered by the State of South Dakota.

F. Fire prevention: The term International Fire Code shall mean the International Fire Code as adopted by the State of South Dakota and shall apply to matters affecting or relating to structures processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices, from conditions

hazardous to life, property or public welfare in the occupancy of structures or premises and from the construction, extension repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structures or on the premises from occupancy or operation. The International Fire Code shall be administered by the State of South Dakota.

G. Energy: The term International Energy Conservation Code shall mean the International Energy Conservation Code as adopted by the State of South Dakota and shall apply to all matters governing the design and construction of buildings for energy efficiency. The International Energy Conservation Code shall be administered by the State of South Dakota.

3. Enforcement Agency: The Department of Planning and Zoning shall be the enforcement agency and the official in charge thereof shall be known as the Planning and Zoning Director.

4. Deputies: In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of Planning and Zoning or the Deputy of Planning and Zoning shall have the authority to appoint a Building Inspector, the related Technical Officers, inspectors, plans, examiners, and other employees. Such employees shall have powers as delegated by the appointed authority.

5. Liability: The building Official, member of the Planning and Zoning Board, or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit brought against the Building Official, Officer or employee because of such act or omission performed by the Building Official, Officer, or employee in the lawful discharge of duties and enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the Code enforcement agency shall be afforded all the protection provided by the City's liability Insurance Immunities and any Immunities and defenses provided by other applicable State and Federal Laws. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certifications issued under this Code.

6. Permits: Required except as specified in Number 7 no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, moved, or converted unless a separate permit for each building or structure has first been obtained from the Building Official or Designated Permits for minor work may be exempted by the Building Official.

7. Work Exempt from Permit: Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permit shall not be required for the following:

A: One-story detached accessory buildings used as tool and/or storage sheds, playhouses and similar uses, provided the projected floor area does not exceed Two Hundred Twenty (220) square feet. Two (2) portable storage units are permitted per platted lot or tract. Portable buildings no matter of the size, used for a cabin (sleeping quarter) requires a building

permit and must contain a hard-wire, smoke alarms with battery backup, a fire extinguisher and must meet other building Code Requirements:

- B: Fences: Not to exceed Ten (10) feet in height, wood, metal, Albumin and chain link.
- C: Retaining walls, must have a Geo Grid when a height of Five (5) or higher is needed.
- D. Walks and driveways not more than thirty (30) inches (762mm) above grade and not over any basement or story or below.
- E: Painting, papering, floor coveting, cabinets, counter tops and similar finish work.
- F: Temporary motion picture, television and theater stage sets and scenery.
- G: Prefabricated swimming pools accessory to a group R-3 occupancy that are less than Eighteen (18) inches (457mm) deep
- H: Replacement of roofing shingles
- I: Replacement of exterior siding
- J: Window awnings supported by an exterior wall that do not project more than Fifty Four (54) inches (1372mm) from the exterior wall and do not require additional support group R-3 and U occupancies.
- K: Swings and other playground equipment accessories to detached one (1) and two (2) family dwellings.
- L: Non-fixed and movable fixtures, cases, racks, counters, and partitions not over Five (5) feet nine(9) inches (1753mm) in height.
- M: Decks not to exceed one hundred fifty (150) square feet.
- N: Kit type car ports

8. The building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to the time of service and said time shall be specified on the permit.

9. R.V. hook-ups, including electrical only connections must have a building permit.

10. New construction, alterations, or building expansions of commercial buildings of Four thousand (4000) square feet or greater may require a professional Architect and/or Engineer based on the current version of the "Handbook" for South Dakota Building Officials and Design Professionals, (South Dakota State Board of Technical Professionals)

## **1.02 BUILDING PERMIT AND RELATED FEES**

1. All building permits fees shall be reviewed by the Piedmont City Board of Trustees. When necessary, the Board of Trustees by resolution, may adjust or establish new fees or fee structures.

2. Residential Fees: Shall be based on estimated building cost of the structure, including building materials and labor, such estimates shall be based on a signed contractors bid and/or cost data supported by a duly approved cost manual.

### **1.02- 1-A: RESIDENTIAL FEES CHART**

A. Scope Mechanical and electrical requirements will be governed by the current mechanical, fuel, gas and electrical codes adopted by the Piedmont Board of Trustees.

B. Responsibility: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A City of Piedmont Ordinances

person shall not occupy as owner occupant or not occupy as owner-occupant or permit another person to occupy any premises which does not comply with requirements of this section.

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$1,000.00	\$25.00
\$1001.00 to \$25,000.00	\$25.00 for the first \$1000.00 plus \$9.00 for each additional \$1000.00 To and including \$25,000.00
\$25,001.00 to \$50,000.00	\$241.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$403.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$628.50 for the first \$100,000.00 plus \$3.00 for each additional \$1,000.00 to and include \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2028.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 to and including \$1,000,000.00
\$1,000,001.00 and up	\$3528.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereafter.

**C. Other inspections and fees:**

1. Inspections outside normal business hours Forty (40) dollars per hour (minimum charge One (1) hour. (1)
  2. Re-inspections Fees \_\_\_\_\_ One Hundred Twenty Five (125) dollars (1)
  3. Inspections for which no fee is specifically indicated a (minimum charge of one (1) hour) at forty (40) dollars (1)
4. Additional plan review required by changes, additions, or revised to plans (minimum charge) of one (1) hour forty (40) dollars per hour (1)

5. For use of outside consultants for plan checking and inspections or both. (Minimum charge) Forty (40) dollars per hour (2)
6. Plan review fees for 1 and 2 family dwellings and accessory structures shall be 10% of the building permit fee.
7. Plan review fees for all occupants except 1 and 2 family dwellings shall be 50% of the building permit fee.
  - (1) Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
  - (2) Actual costs include administrative and overhead costs.

3. Commercial Fees: Shall be based on estimated building cost of the structure, including building materials and labor. Such estimate shall be based on a signed contractors bid and/or cost data supported by a duly approved cost manual. Twenty-Five (25) dollars for the first One Thousand (1,000) dollars (plus) Six (6.00) dollars per one thousand (1,000) dollars.

A. SEE 1.02 (3) (A) Commercial Building Permit Fees:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$1,000.00	\$25.00
\$1,001.00 to \$2,000.00	\$57.25
\$2001.00 to \$25,000.00	\$57.25 for the first \$2000.00 plus \$12.00 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$322.00 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof to and including 50,000.00
\$50,001.00 to \$100,000.00	\$574.50 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof to and including \$500,00.00
\$100,001.00 to \$500,000.00	\$924.50 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof to and including \$500,00.00

\$500,001.00 to \$1,000,000.00	\$3,164.50 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,539.50 for the first \$1,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof

**B. Other Inspections and Fees:**

1. Inspections outside normal Business Hours Forty (40) dollars per hour (Minimum Charge One (1) hour (1)
2. Re-Inspections fees One Hundred Twenty Five (125) dollars (1)
3. Inspections for which no fee is specifically indicated Forty (40) dollars (minimum Charge) of one(1) hour. (1)
4. Additional plan review required by changes, additions or revisions to plans (minimum charge) of one (1) hour (1)
5. For use of outside consultants for plan checking and inspections, or both Actual Cost. (2)
6. Plan review fees for 1 and 2 family dwellings and accessory structures shall be Ten (10)% of the building permit fee (2)
7. Plan review fees for all occupancies except 1 and 2 family dwellings shall be Fifty (50) % of the building permit fee.

(1) Or the total hourly cost to the jurisdiction which ever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employee involved.

(2) Actual costs include administrative and overhead costs.

4. Demolition Permit Fees: Eighty (80) dollars for commercial structures, residential structures and have no fees for agricultural structures. Fire Department are exempt from demolition permit fees.
5. House moving permit is required each time a structure is moved within the incorporated boundaries of the City of Piedmont (except portable Buildings/sheds) at a cost of eighty five (85) dollars.
6. Contractors are required to submit one (1) set of building plans, Which includes a floor plan, elevation plan and a foundation plan and a detailed typed or written cost estimate, at least forty eight (48) hours in advance for the City Planning and Zoning Board and the Board of Trustees before any building permit will be issued for a building or structure.
7. Buildings constructed on land Classified for property tax purposes as agricultural land and which are intended for primarily agricultural use require a building permit but are exempt from all building permit fees. If no building permit is obtained a penalty will apply in accordance to the Amendment to the Building Code found in Appendix "A" Section 1.03 Building or Construction Inspections. 9

## **1.03 BUILDING OR CONSTRUCTION INSPECTIONS**

1. Building Inspections: are required for each major phase of construction including a foundation inspection rough carpentry of framing inspection and a final inspection. The Building Official or Inspector may at anytime require additional inspections to ensure a structure is being built in accordance with the 2012 International Building and International Residential Codes.

A. The building contractor or the homeowner will notify the building inspector in the City Hall Planning and Zoning Department minimum of Forty Eight (48) hours in advance that a building Inspection is needed for a completed phase of work. If the building inspector needs to return for the same type of inspection due to poor scheduling or a violation there maybe an additional cost of one hundred twenty five (125.00) dollars.

B. Building Inspections will be required for all structures except small portable accessory buildings or AG-use only buildings constructed on land classified for property tax purposes as agricultural properties.

2. Final Inspections: The final inspection shall be made after all the work required by the building permit is completed and prior to the building being occupied. A certificate of occupancy will be issued when the final inspection has passed.

A. Temporary occupancy: The building Official is authorized to issue written permission of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely.

B. The Building Official shall set a time period during which the temporary occupancy is valid.

3. Asbestos Inspection: As per state and federal law.

## **ARTICLE 2 BUILDING RESTRICTIONS**

### **2.01 CONSTRUCTION RESTRICTIONS**

1. If construction for any building permit has not begun within Six (6) months from the date of issuance thereof, said permit shall expire, it shall be canceled by the Planning and Zoning Board and notice thereof shall be given to the person affected. If the work described in any building permit has not been substantially completed within one (1) year of the date of issuance thereof said permit shall expire. Notice to the person(s) affected, that further work as described in the cancelled permit shall not proceed unless and until an extension has been obtained. All structures will in general comply with sound engineering and safety regulations normally required by the 2012 International Building and International Residential Code.

2. All structures shall conform to Meade County Flood Damage prevention plan ordinance Number 9. All residential dwellings lowest floor level, including basements must be at least One (1) foot above the base flood elevation. Any construction that is in a designated flood ways, flood plain or flood way fringe must have an approved Flood Plain Development Permit before a building permit will be issued.

3. No building permit for the construction of any home, house, or business will be issued until such time there is an installed City of Piedmont permit and approved wastewater system capable of handling the potential flow on site. (Not including individual waste water City of Piedmont Ordinances

systems). Applicants for building permit(s) must have a set of plans in a format approved by the Planning and Zoning Board and in accordance with 2012 International Building Code and a written cost of construction estimate available for review Forty Eight (48) hours before the building permit is to be acquired.

4. Contractors or subcontractors must provide a copy of the concrete delivery tickets when requested indicating the compressive strength of the concrete used in the construction of all foundations, floor slabs, concrete driveways, curb/gutter and sidewalks. During cold weather construction concrete delivery tickets must also indicate the type of additives added to prevent freezing.

5. The minimum distance between any structure and edge of any right of way line shall be twenty five (25) feet.

6. The minimum distance between any structure and the front or rear property line shall be twenty five (25) feet and side property line shall be eight (8) feet: except on a corner lot, the street side, the minimum distance shall be twenty five (25) feet.

7. The Legal property owner who has a house or mobile home which will be reconstructed or remodeled, that is moved on a platted lot or a tract of property, must obtain a building permit.

8. Reconstruction or remolding activities must commence within Thirty (30) days from the date the building permit was obtained.

9. For life saving reasons in case of a fire, no dwelling shall exceed Forty (40) feet in height.

10. There shall be a minimum of three (3) feet between detached buildings on the same lot.

11. All residential dwelling units shall be hooked up or serviced by water and drain field for sewer. Such approval shall come from Piedmont Board of Trustees or DENR.

12. Building permits will be issued for only one (1) residential dwelling unit per each platted lot. Multiple residential dwelling for that specific purpose.

13. Platting will be a prerequisite for obtaining a building permit for all property one hundred sixty (160) acres or less. Only those properties described as Rural Residential within the City of Piedmont Planning and Zoning Ordinance are exempt from platting. All other requirements in this ordinance must be adhered to.

14. Blowing garbage, litter, debris, building materials or other such rubbish from any permitted or non-permitted construction site will not be allowed. Any loose or blowing debris or rubbish shall be picked up immediately and not allowed to accumulate on other nearby lands and placed in an appropriate waste container equipped with a cover to prevent additional blowing. Failure to keep garbage, litter, debris building materials and other such rubbish maintained and cleaned up will result in the suspension of building permit(s) to owners of the property, contractors, and/or developers involved as well as any other fines or penalties brought for the City of Piedmont. New and used materials must be anchored or other wise contained at all times.

15. Temporary buildings, decorative fences or other impediments will not block escape routes, natural water ways, drainage, easements, or alleys.

16. Buildings containing explosive or flammable materials will be marked with an appropriate warning signs and /or warning devices.

17. Hazardous materials/waste or radio active/explosive materials stored at any facility in the City of Piedmont shall be required to place a special mailbox container on the outside of City of Piedmont Ordinances

the property/perimeter with copies of MSDS (sheets) as described above must also be sent to the Local Department and Meade County Emergency Management.

18. Additional construction requirements:

A. Heavy equipment used on or near asphalt streets or roads must have protective pads on the asphalt as not to damage the asphalt surface. Asphalt damage by contractors working near or on an asphalt road or street surface must be properly repaired by the contractor. Damaged asphalt must be saw cut six (6) inches at any point from the damaged area, cut in symmetrical squares or rectangles only and must be replaced with SD DOT approved hot mix. Tack coat must be used on all saw cut edges and the replacement asphalt mix must be compact to Ninety Five (95)% of maximum compaction.

B. Any time a builder or property owner creates a hazard due to the construction of any structure off a platted road or street, which may require a guardrail and/or retaining wall as determined by the Piedmont City Building Official and/or inspector. Planning and Zoning and the property owner and/or contractor will be responsible for installing a guardrail or retaining wall at no cost to the City of Piedmont.

C. When using Fox Block , Green Block type forms or similar type used for foundation walls four thousand (4000) psi concrete must be used or three thousand five hundred (3,500) psi concrete with a super-plasticizer additive may also be used so the concrete slump can be increased.

D. Reinforcement steel placed for footings, floors, or other concrete slabs must be placed on chairs and can not be resting on the ground surface and pulled up during the concrete pour.

E. New construction requires a ground wire to be attached via an approved clamp protected by a silicon coating to the footing reinforcement steel before the concrete is placed.

F. Roof trusses attached to post frame construction must be adequately bolted to the posts and/or columns.

G. Roof trusses attached to the wall structures with hurricane straps (except post frame construction (see Item F above).

H. The minimum spacing for concrete wall reinforcement steel must be horizontal and vertical spacing twenty four (24) inches on center for up to a Eight (8) foot wall, eighteen (18) inches vertical and eighteen inches horizontal on center for walls from eight (8) feet to ten (10) feet in height, walls greater than ten (10) feet to be engineered by a professional Engineer, design, drawings must be adequately.

I. Unattached open excavations or structure within subdivisions must be adequately fenced as not to create a safety hazard to the general public. An excavation left open for ninety (90) days or more within the City of Piedmont boundaries must be back filled to the ground surface.

J. Compaction Requirements must be per this ordinance.

K. Pole Barn or Post Frame posts/columns must be placed to a depth of forty two (42) inches or greater with a minimum of two (2) feet of concrete ground each post/column with a minimum open hole diameter of twelve (12) inches.

L. Concrete sidewalks no less than four (4) feet wide, shall be constructed on both sides of all streets within the boundaries of the City of Piedmont having more than Two (2) lots, per acre and on any other locations deemed necessary by the Planning and Zoning Board. The Building Official shall approve sidewalk locations, however it must be located  
City of Piedmont Ordinances

three (3) feet from the back of the curb to the nearest edge of the sidewalk. Sidewalks must conform to the American Disabilities Act.

M. Pedestrian crosswalks not less than ten (10) feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

N. Minimum floor elevations must be established above the one hundred (100) year flood plain to prevent damage to buildings and structures. If no base flood elevations are available for the proposed medium, modified high or high density subdivisions, the developer and/or property owner must hire a registered engineer or surveyor at their cost to establish the base flood elevations which must be submitted to Planning and Zoning Board for review.

## **2.02 CLIMATIC AND GEOGRAPHICAL CRITERIA**

1. Ground Snow Load forty (40) psf (pounds per square foot)

A. Roof slopes with a rise of three (3) inches (76.2mm) or less to twelve (12) inches (305mm) shall be designed for a full or balanced snow load of not less than Thirty (30) psf (1.44 Kn/square meter) of horizontal projection. Where a roof system is designed to slope less than one-quarter (1/4) inch (6.35mm) per twelve (12) inches (305mm), a surcharge load of not less five (5) psf (0.24 KN/square meter) in addition to the required live load due to snow shall be designed for. Roof slopes with over three (3) inches (76.2 mm) of rise per twelve (12) inches (76.2 mm) of rise per twelve (12) inches (305mm) shall be designed for a full or unbalanced snow load of not less than twenty five (25) psf (1.2 KN/square meter) of horizontal projection. Potential unbalanced accumulation of snow at valleys, parapets, roof structures, and off sets in roofs of uneven configuration shall be considered.

2. Wind Speed Ninety (90) mph (miles per hour)

3. Seismic Design Category-A

4. Subject Damage from

A. Frost Line Depth Forty two (42) inches (1.067mm)

B. Weathering - Moderate

C. Termite - None to Slight

D. Decay - None to Slight

5. Winter Design - temperature (F) 7

6. Ice Shield Under-underlayment Required - yes

## **SECTION 2.03 COMPACTION CONTROL**

1. Description, included in this section are the requirements for all compacted fill including roadway embankments, back fill and road surface material.

2. Materials, this material shall be free from vegetative matter, cinder, ashes, refuse, organic matter, or other unsuitable foreign substance. Frozen material may not be used.

3. Products use materials as required to accomplish the results indicated and as specified in each section of the work per the City of Piedmont Ordinance.

4. Executions On-Site Soils:

A. The following soil compaction requirements shall be achieved when placing satisfactory cohesive and/or cohesion less embankment materials in four (4) inches to eight (8) inches layers and as determined by appropriate means to the designated percentage of maximum dry density as determined by modified proctor test ASTM 0696. Road surfaces materials such as gravel and asphalt must be compacted to Ninety Five (95) percent.

5. Compaction Type Ninety Five (95) per cent of maximum dry density (standard Proctor)

- A. Trench Backfill
- B. Footings and Slabs
- C. Road Surface Material

6. Water contact in cohesive back fill soils shall be adjusted to a value not more than three (3) percent below, nor more than three (3) percent above optimum unless otherwise indicated.

7. Plasticity Index above twenty (20) shall not be permitted water inundation of cohesive soils will not be permitted.

8. Compaction Type, the following compaction requirements shall be achieved when placing imported select granular fill material, as shown on the drawings and compacting by appropriate means to the designated percentage of standard method for standard proctor test ASTM 0-698.

A. Compaction shall be in all locations Ninety Five (95) percent, moisture condition to +/- three (3) percent of the optimum moisture content.

B. Fill must be placed in four (4) inches lifts unless field results indicate a slightly greater lift can be used at the approval of Planning and Zoning Board.

9. Compaction Requirements:

A. In the event backfill compaction requirements are not met, the contractor shall remove fill material adjust moisture content if required, replace and new compact until the required density is achieved.

10. Field-Control, where embankment, backfill or road materials are required to be compacted by a specified density tests for compliance maybe required by Piedmont Planning and Zoning Board at the expense of the developer/owner using the appropriate test procedures.

11. Field density tests will be performed in accordance with test procedures established in "standard test" methods of density of soil in place by the Nuclear Density Method, ASTM D-2922 or Standard Test Methods of Density of Soil. Aggregate/Gravel in place by Nuclear Methods (shallow Depth) ASTM D-2922. The field tests may also be performed using the modified Proctor Method.

12. The contractor shall cooperate with testing by the Owner by allowing sufficient time for testing each layer. Any layer that does not meet density requirements shall be reworked and recompacted until it meets the specified density. Retesting of non-complying backfill or road surface materials will be at the contractor expense.

13. Backfill moisture and density shall be determined at least every Five Hundred (500) feet horizontally and every three (3) feet vertically in trenches and at road/driveway crossings. However, Piedmont Planning and Zoning Board may require moisture and density tests at any location and depth they desire. The contractor shall at his own expense, excavate the backfill at those locations and to those depths required by Building Official or Inspector to conduct moisture/density tests if materials are suspect.

14. When specified moisture contents are not met the contractor has the options of drying wet, soil, furnishing approved materials meeting specifications, or adding water as necessary to soils that are to dry soil it must be thoroughly mixed with the soil to provide uniform moisture content prior to back-lifting.

15. Backfill material not meeting specified densities shall receive additional compaction or shall be removed and replaced at the contractor's expense as necessary to meet specified

densities. Wet soils, that otherwise meet the requirements for backfill do not necessarily constitute unsuitable material. It is the contractor's responsibility to either dry the material or furnish other approved material at his expense, unless otherwise specified herein. When the contractor furnishes backfill material, he shall also furnish the results of the AASHTO T-180 test for the furnished material.

16. The contractor shall not place the finished surface (asphalt, curb, and gutter, grass, etc.) until the specified densities are met at each test location and the Building Official or Inspector gives approval for placement.

17. Trench flooding with water as a method of compaction is prohibited.

## ARTICLE 3 LICENSING

### 3.01 CONTRACTOR LICENSING

1. Definitions contracting or subcontracting means the enlargement, alteration, repair, improvement, conversion or new construction or demolition of any residential or commercial structure within incorporated areas of the City of Piedmont. Does not include minor repairs completed by handyman workers.

2. "Contractor" or "subcontractor" means a proprietorship, partnership firm or corporation who for compensation undertakes or offers to undertake any and all types of contracting, (state Licensed Electricians and Plumbers that are contracting electrical or plumbing work are exempt).

3. The purpose of this section is to protect the public health safety and welfare and to guard against incompetent or dishonest contractors providing unsafe, unstable or short-lived products or services.

### 3.02 LICENSE REQUIRED

1. Required by the City of Piedmont, it is unlawful for any person or persons representing or operating under the auspices of a firm or corporation to conduct, carry on or engage in the business of contracting work or act in the capacity of a contractor without first being issued to them valid contractor's license by the Piedmont Planning and Zoning Board.

2. Exceptions:

A. Employees or bona fide subcontractors of a person licensed in accordance with this section when they are under the direction and control of that person.

B. A dwelling owner for work to be done on his property which he occupies as his/her own home or will occupy as his/hers own home and when the property owner is acting as his/her own contractor.

C. A landlord for work to be done on his/her property when the landlord is acting as his/her own building contractor.

D. A homeowner who builds constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner residence or a building or structure accessory thereto that is intended for the owner's personal use. An owner may build not more than one single family dwelling in a two (2) year period without obtaining a contractor's license provided he/she occupies the dwelling a minimum of one (1) year after the final inspection is approved.

E. Buildings constructed on land classified for property tax purposes as agricultural land and which are intended for primarily agricultural use.

F. Utility contractors that work for public utilities are exempt.

### **3.03 LICENSE APPLICATION**

1. A contractor license shall be issued to every proprietorship, partnership, firm or corporation who makes application for such license, pays the required applications and meets the requirements as stated in this section.

2. Contractors including any subcontractors must show proof they have been in the business of contracting for more than Ninety (90) days. If the Ninety (90) day requirement is not met, a review and interview by the Piedmont Planning and Zoning Board will be required to determine eligibility before a license may be issued after all license fees are paid.

3. License use restricted, No licensed contractor shall allow his name to be used by any other person directly or indirectly, either to obtain a building permit or to perform any type of contracting outside his/her personal supervision.

4. License Term Renewal, All initial licenses issued under the provisions of this chapter shall expire on second year of issuance, beginning on March 17, 2014. All renewal fees shall be paid on or before the expiration date of the license. The renewal shall be valid for a One (1) year period at a cost of Fifty (50) dollars. Licenses that are expired more than Thirty (30) days require that a new initial license be issued at the cost of one hundred (100) dollars.

5. Contractors and subcontractors must have and provide proof of Insurance (General Liability Insurance) State issued excise Tax Number and workman's Comp Insurance at the time the license application is submitted.

6. Private (non-utility) contractors and subcontractors that perform work in any public right of way must provide a Performance Bond to Piedmont Planning and Zoning Board and obtain a permit to complete work in the public right of way in the City of Piedmont boundaries. A right of way permit fee shall be Twenty Five (25) dollars. Utility contractors for public utilities are exempt.

### **3.04 LICENSE APPLICATION FEES**

1. Each person applying for a contractor license shall pay to the City of Piedmont and Planning and Zoning Board an initial fee of one hundred (100) dollars. The initial license is valid for two (2) years. The annual renewal fee shall be Fifty (50) dollars, due on or before the expiration date of the license each and every year thereafter.

2. Unlicensed contractors or subcontractors working within the incorporated boundaries of the City of Piedmont may pay double the license fee and then shall be issued a Contractor License with a probation period of one (1) year only. At that time their work will be reviewed and a determination will be made by the Planning and Zoning Board whether a renewed license will be granted.

3. A licensed contractor who is the subject of an investigation by the Board of Trustees shall cooperate fully with the board in its investigation cooperation includes, but is not limited to :

A. Responding fully and prompt to questions raised by the board

B. Providing copies of records in the person's possession relative to the matter under investigation as requested by the Board of Trustees.

C. Disagreement of any decision made by the Board of Trustees may be appealed within Forty Five (45) days by requesting another hearing before the Piedmont Board of Trustees.

4. Disagreement of any decision made by a City of Piedmont Building Inspector can be appealed to the Planning and Zoning Board or Piedmont Board of Trustees.

5. Any administrative fee or penalty imposed under the provisions of this Section shall be in addition to any other fee or penalty prescribed by this Ordinance.

## ARTICLE 4 VIOLATION AND PENALTIES.

### **4.01 WORKING WITHOUT A PERMIT**

1. Any person who starts work for which a Building Permit is required by this Ordinance or other established Ordinances of the City of Piedmont, without first securing such permit and paying the prescribed fee, may be charged according to the provisions of this section.

2. Upon finding such violation the Planning and Zoning Board shall send written Notice of Violation addressing the requirement that a Building Permit (or other required a City permit) is required must be obtained; said notice will be sent to the owner of the property with the violation by certified mail with a return receipt requested. If an application, for said permit is made within seven (7) working days from the date of the letter, an administrative fee may be assessed in the amount of one hundred (100) dollars plus the actual fee for the permit.

3. If application for any required City permit is filed after the deadline of seven (7) working days following receipt of the NOV (Notice of Violation) there may be imposed an administrative fee in the amount of one hundred (100) dollars plus two (2) times the actual permit fee for all other required City permits. The payment of the administrative fee shall not relieve such person from the provisions of Number Two (2) above.

### **4.02 ADDITIONAL INSPECTIONS**

1. The penalty for required Building Inspections that were not scheduled by the builder of the structure shall be One Hundred Fifty (150) dollars per required inspection plus the cost of materials and testing which maybe required by Piedmont Planning and Zoning Building Inspector and shall be the responsibility of the builder.

### **4.03 PENALTIES**

1. In addition to other remedies set forth in this Ordinance, Violation of this Ordinance may be punishable by thirty (30) days imprisonment in a county jail or Five Hundred (500) dollars fine, or both, each day in violation may be deemed a separate offense.

2. The provisions of this Ordinance shall be administered and enforced by City Ordinance Enforcement Officer appointed by the Piedmont Board of Trustees who shall have the power to make inspections of building or premises necessary to carry out his/her duties in enforcement of the Ordinance.

3. The City of Piedmont Ordinance Enforcement Officer, shall have the power to appoint deputies to assist in his/her duties, such deputies to be approved by the Piedmont Board of Trustees.

4. The City of Piedmont Ordinance Enforcement Officer, and any deputies appointed, shall have authority to issue an Ordinance violation notice which shall specify in additional to other information as discretion of such Officer the following:

- A. The date of violation
- B. The nature of violation
- C. The amount of fine associated with the violation

D. The date the individual is required to appear in court unless the designated fine is paid prior thereto; and

E. The signature or noted refusal to sign by the violator.

5. An Ordinance Violation notice issued under authority of this Ordinance shall be enforced as a criminal proceeding before a magistrate court.

## ARTICLE 5 VARIANCES

### 5.01 VARIANCE PROCEDURES

1. The Planning and Zoning Board shall hear requests for variances from the terms of the Ordinance. The Planning and Zoning Board shall base its determination of technical justifications and has the right to recommend to the Board of Trustees such conditions to variances as it deems necessary to further the purposes and objectives of this Ordinance.

2. In granting variances, modifications, and appeals the Board of Trustees may require such conditions that will, in its judgment secure substantially the objectives or the standards or requirements so varied modified, or approved. In granting any variance the Board of Trustees may prescribe conditions that it deems necessary or surely, performance, or maintenance bonds, affidavits, covenants, or other legal instruments, in making its findings as required herein the Board of Trustees may take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work near the site and the probable affect of the requested Variance upon living conditions in the vicinity.

3. The Piedmont Board of Trustees must deem the Variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and must deem there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land.

### 5.02 APPLICATION REQUIRED

1. Applications for any such variance shall be submitted in writing by the property owner at the time when the application is filed for consideration by first Planning and Zoning Board and if recommended by the Planning and Zoning Board to the Piedmont Board of Trustees. Stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning and Zoning Board or the Piedmont Board of Trustees in the analysis of the proposed variance.

2. Applications for variance shall be considered by the Piedmont Board of Trustees and they will render its decision at the hearing or no later than Forty Five (45) days after the hearing at which the request for a variance was submitted. All variances must be approved by the Piedmont Board of Trustees.

### 5.03 REQUIREMENTS FOR GRANTING VARIANCE

The Piedmont Board of Trustees shall have the authority to grant a variance. The person claiming the variance has the burden of showing.

A. That the granting of the variance will not be contrary to the public interest.

B. That the literal enforcement of the Ordinance will result in unnecessary hardship.

- C. That in granting the variance contrary to the provisions of the Ordinance the spirit of the Ordinance will be observed and
- D. That by granting the variance, justice will be done.

## **5.04 REPORT TO THE PIEDMONT BOARD OF TRUSTEES**

- 1. For each application for a variance, the property owner will coordinate with the administrative assistant to the Piedmont Board of Trustees to set a date and time for a public hearing regarding the variance request.

## **5.05 PENALTIES FOR VIOLATION OF ORDINANCE**

- 1. Violation of this Ordinance maybe a Class II misdemeanor, and each day's violation may constitute a separate offense. In addition to the criminal penalty set forth above, the Piedmont Board of Trustees may immediately suspend all of the permits or the constructions activities which does not meet the requirement of this Ordinance. If a suspension occurs, the reasons for such suspension shall be clearly stated by the Piedmont Board of trustees.

- 2. The suspension on permits or construction activities may be lifted by the Piedmont Board of Trustees upon satisfactory approval that the reasons which led to the suspension have been remedied.

## **6.01 SEVERABILITY AND SEPARABILITY**

- 1. Should any Article, Section, Sub-section or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

## **ADMINISTRATIVE HISTORY**

Original Effective 01/05/2010 Ordinance 2009-06  
2011-03 Controls and Restrictions for Manufactured Homes effective 08/01/2011  
2013-03 Piedmont Zoning effective 10/22/2013 replacing Ordinance 10  
Resolution 2013-05 Zoning Permit Fee Schedule effective 11/11/2013  
2014-01 Building Code and Construction Enforcement effective 03/17/2014  
2016-02 Replacing Title 17 effective 04/18/2016