

**Proposed Agenda
WATERTOWN CITY PLAN COMMISSION
City Council Chambers
23 Second Street NE**

Thursday, March 22nd, 2018

4:15 pm
(Immediately following the
Board of Adjustment Meeting)

Call to Order

Roll Call

1. Approval of Agenda
2. Approval of Minutes from the March 8th, 2018 meeting.
3. Resolution No. 2018-08 amending Ch. 21.8007 to allow the permitting of Temporary Boulevard and Public Property Signage Adjacent to Property
 - a. Public Hearing
 - b. Commission Action on Resolution No. 2018-08
4. Discussion of a potential ordinance amendment adding a zoning district (R-1A) to facilitate affordable housing
5. New Business
6. Old Business
7. Executive Session
8. Motion to Adjourn

COMMISSION MEMBERS:

Please notify Lori at 882-6202 X 3549 or email: lmarscheider@watertownsd.us
as soon as possible upon receipt of this Agenda if you will **not** be able to attend the meeting.

**OFFICIAL PROCEEDINGS
PLAN COMMISSION
CITY OF WATERTOWN, SD**

March 8th, 2018

Members Present: Stonebarger, Hanson, Kays, Olson, Stein

Absent: Dahle, Culhane

Also Present: Matt Roby, Ken Bucholz, Shane Waterman, Jill Steiner, Pete Boyle, Ray Tesch, Brandi Hanten, Mark Meier, Colin Paulsen, Chip Premus

Approval of Agenda:

Motion was made by Culhane and seconded by Dahle to approve the agenda.

Approval of Minutes from the January 18th, 2018 meeting:

Motion was made by Kays and seconded by Hanson to approve the agenda. Motion carried unanimously.

Vacation of 2nd Street East

Brandi Hanten, Urban Planner, gave the staff report for the vacation of 2nd Street East. Kays asked about traffic counts, when the expansion project is projected to happen, and responsibility for securing the curb line across the remaining streets. Hanten informed him that the Engineering Department does not have any traffic counts, the project could break ground as soon as this summer, and that the private individual is responsible for securing the curb line after 2nd Street would be destructed. Shane Waterman, City Engineer, said by policy, this is done through final plans approval. Stonebarger opened the public hearing. Gary Steinmetz spoke on behalf of the vacation. Steinmetz clarified that they plan to start on the parking lot this year and then the building expansion to come in following years. Steinmetz said they have not proceeded with detailed plans because of the vacation process and how that will impact what happens. Stonebarger asked why the City would give up a public street for a private purpose. Steinmetz said that 2nd Street East is not significant for traffic, emergency, and is a safety concern to the school and growing numbers in students. Stonebarger feels there is not a benefit to the public and that similar requests have been made in the past and have been denied. Stein was concerned about not having a traffic count. Steinmetz felt traffic is minimal and not an issue. Kays asked what the City's policy is for vacating public streets. Waterman said we look at them from a case-by-case situation. Steinmetz made a closing comment that they've had their architect do extensive work on this and met with the City multiple times making them feel halfway confident that this could happen and felt they had the City's blessing to move forward with this project before spending \$35,000 if they knew this was going to be denied. Hanten explained the City asked for a site plan to present to the Plan Commission and public to explain the project and that City staff can only work with a petitioner but Plan Commission is who "blesses" such requests and then is referred to the City Council for approval or denial. Darla Snow spoke and is very much opposed to the closing of this street. She lives in the neighborhood and travels it often. She was concerned about emergency vehicles and access to her home. Mayor Sarah Caron spoke stating she would normally be opposed to a vacation but noted that staff recommended approval and that did not come easy or without reason. Mayor said this case is a little different since 2nd Street is not a thoroughfare and is very close to collectors. Emergency personnel does not use 2nd Street East and that safety was not compromised in any way. It wasn't with careless consideration that staff recommended approval. There are no utilities underneath 2nd Street East so losing the right-of-way will not be impactful and relieves some maintenance responsibilities of the City when the property is owned by the same individual on both sides which primarily serves the church. It is unusual to vacate a fully improved street but it was done in the recent past when Broadway Street was vacated for a similar purpose. Jeremy Holman, Board of Education Chairman of St. Martin's School, mentioned as far as public benefit they do offer education services to the community. Mark Renner, Principal of St. Martin's School, stated he has a major concern with drop off and pick up of students coming and going from school. Renner felt with the vacation and then the addition to the school, the community would be benefitting at large. Shane Waterman, City Engineer, discussed different options staff had worked with St. Martin's but said proposing to vacate the street was the best option. Waterman said he can perform and provide the traffic count data if that information would be of benefit. Kays thinks about other situations around the community that may request a similar action that might be an issue if a

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certain precedent is set. Kays made motion to approve Resolution 2018-04, seconded by Stein. Discussion amongst the board ensued. Stonebarger felt by allowing this vacation, he feels will set a precedent. Mayor Caron made a comment on policy on vacating right-of-way which is usually against vacations unless it can be shown that there is a benefit to the public. The benefits for this particular vacation include: safety concerns for students and citizens and the relief of maintenance responsibility as financial benefit. Stein expressed he would feel most comfortable following staff recommendation, which was to approve. Hanson was concerned about the lack of a traffic count for the area. Olson agreed with Hanson that she would like to see the traffic count numbers in relation to safety concerns. Mayor Caron informed the commission that the traffic is school related and was not sure what that information would do for the board members to hear as far as their decision on the vacation. Kays agreed the traffic count is not significant for the board to make a decision. The question it comes down to is this a public benefit or a private benefit of St. Martin's church and school. Stein doesn't feel this vacation would set a precedent and that these request are studied on a case-by-case basis. Vote was called, Motion was denied by 4-1 roll call vote (Stein being in favor of the vacation).

Rezone of Lots 1-5, Block 5 Valley View First Addition from R-1 Single Family Residential and R-3 Multi-Family Residential zoning designations all to R-2 Single Family Attached Residential District

Hanten gave the background to the rezone stating the Petitioner submitted application and petition on February 16th, 2018, requesting approval for rezoning the current described property from R-1 Single Family Residential District and R-3 Multi-Family Residential District to R-2 Single Family Attached District.

When Valley View First Addition was annexed and zoned in 2017 (Resolution No. 17-13 *annexation* and Ordinance No. 17-26 *zoning*), the Plan Commission and City Council approved what is depicted in the attached exhibit to the petition that was submitted for this rezone. When the developer, J&J Land Sales LLC, presented the preliminary plan to the Plan Commission, they approved the resolution with the condition that Lot 5, Block 5 would not be zoned R-3 but instead R-2. This request was never memorialized by a rezone which is what this petition is doing for Lot 5, Block 5 of Valley View First Addition.

The remaining lots also included in this rezone (Lots 1-4, Block 5 Valley View First Addition) are currently zoned R-1 Single Family Residential District and are being proposed to change to R-2 along with Lot 5, Block 5.

Stonebarger questioned when the Plan Commission and City Council approved the plat that lot 5 would be zoned R-2 and wondered why that had never been memorialized. Waterman explained that when the property was annexed it was subsequently zoned according to an unapproved preliminary plan so this process would have needed to be done through this process. Kays asked why we are down zoning from R-1 to R-2. Hanten explained that the developer is wanting to incorporate the entire block as duplexes (R-2 Development). Stonebarger opened the public hearing. Jamie Andrews told the commission that it will be all twin homes, 18 units. Kays asked if staff has seen preliminary designs. Waterman said staff has worked with the developer on plans and ensured the board they will have to replat. Andrews feels this is a nice location for a twin home community. Kays made a motion to approve Resolution 2018-03 as requested with the condition that the Plan Commission will see a replat as it develops. Olson seconded. Motion carried.

Ordinance Amendment to Ch. 21.1003 1. revising the maximum mean height for I-1 Light Industrial District

The proposed ordinance amendment modifies the chart outlining the maximum mean height requirements for non-residential structures, specifically the I-1 Light Industrial District. The maximum mean heights were previously amended on September 19, 2016 when commercial zones were increased to allow for

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taller buildings. Multiple variances had been given for an increased maximum mean height which prompted the ordinance amendment. This is also true for I-1 Light Industrial Districts and should have been included during the previous approved ordinance amendment. Stonebarger asked if we are changing I-1 to 60', why not include I-2 and BP? Stonebarger would rather make the amendment now to allow 60' for I-1, I-2, BP districts than having to grant variances in the future. Stein made a motion to approve Resolution 2018-05 to include the maximum mean height of non-residential structures in I-1, I-2, and BP to be 60'. Olson seconded. Motion carried.

Plat of Lots 28A and 28B in Block 2 of Hidden Valley Addition

The petitioner, Dr. Robert Arnold, submitted a replat requesting approval to split Lot 28, Block 2 Hidden Valley Addition into two conforming lots: Lot 28A & 28B in Block 2 Hidden Valley Addition which was heard by the Plan Commission on June 22nd, 2018. Plan Commission approved the plat at the time with the condition that a turnaround easement be negotiated with adjacent landowners. The updated Plat of Lots 28A and 28B in Block 2 of Hidden Valley Addition includes a reconfigured right of way dimension which is included to accommodate for the "alternative to 120-foot hammerhead" turnaround easement for Pompeska Drive which has historically come to a dead end causing issues for adjacent landowners, garbage pickup, snow removal, and the general public. Dennis Arnold has dedicated a perpetual turnaround easement within Outlot A in Prairie Hills Development Second Addition. Kays made a motion to approve Resolution 2018-06, seconded by Stein. Motion carried. Stonebarger asked if there would be a provision for sidewalk and curb and gutter. Waterman explained the condition of Pompeska Drive does not include sidewalk and curb and gutter today. Stonebarger mentioned if a waiver of right to protest would be achieved. Mayor Caron said she would expect a full standard street and sidewalk requirement would be a requirement by any other developer. Kays amends his previous motion to approve Resolution 2018-08 to include the requirement that a waiver of right to protest be achieved to protest construction and cost assessment for future full roadway including additional pavement width, curb, gutter and sidewalk be executed prior to the recording of the plat. Stein seconded. Motion carried.

Plat of Flyway First Addition

The petitioner, Gary Steinmetz, Acting Agent for the Flyway Properties, LLC, submitted a Plat of Flyway First Addition on February 16th, 2018 requesting approval for subdividing the existing Airport Industrial Addition into 5 conforming lots with I-1 Light Industrial and I-2 Heavy Industrial zoning designations.

The proposed Lots 1-4 of Flyway First Addition were recently rezoned from I-2 to I-1 so that they could be subdivided and sold for individual contractor shops or other uses permitted within the zoning district which was effective on January 26, 2018. Stonebarger expressed his concern for Lot 4 and if it has sufficient buildable area. Hanten verified the lot was conforming to the I-1 Light Industrial District and that buildable area should be sufficient. Olson made a motion to approve Resolution 2018-07, Hanson seconded. Motion carried.

New Business

Discussion of changing the definition of group home or creating a definition for transitional homes to Chapter 21

After an inquiry about group homes in reference to a transitional/halfway home, staff was looking for direction from the commission as to whether a definition for transitional home should be added to certain zoning district to allow for adults to live in a group situation as they transition back into the community. Kays wanted to use group home definition, although the definition as it exists, includes the language of children and adults. Hanten thought to exclude children and housing them in C-1 Community Commercial Districts we could create a definition for transitional homes, defining it to only include adults living in a

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group situation. Caution needs to be taken so that we are not violating the Fair Housing Act and having residential neighborhoods available for the protected class. Staff will create a definition. Kays requested staff comes up with a definition, which districts this could be included in, and performance standards.

Old Business:

Update from Park Board meeting on River Ridge Park Concepts

Hanten and Waterman met with the Park Board on February 27th, 2018. The concept that was submitted to the Park Board was shown to the Plan Commission. The developer, Greg Hoftiezer, Acting Agent of High Plains Development Corps, submitted a concept including a 5 acres park and was open to giving money in lieu of the remaining 3.62 acres to fulfill the park dedication requirement of 8.62 acres. The Park Board was not in favor of the location which spun the conversation to accepting money in lieu for the entire 8.62 acres and recommended the Engineering Department work with the Director of Equalization to find the amount of what the land was purchased for in 1997 when it was annexed and also adding the Consumer Pricing Index to accommodate inflation to present time. The value amount for money in lieu of the park dedication came to \$5,236.39 which is significantly low and since the figure has not yet been presented to the Park Board, it is assumed they will not accept this amount. In turn the Park Board has the option to negotiate or ask for land dedication. Kays feels the Plan Commission has some contribution to the Park Board's decision as they are tasked with approving preliminary plans which depict park dedication. Stein asked if the Park Board felt they have sufficient green space, as to why they were allowing money in lieu. Hanten feels the Park Board wanted to explore their options to see what the value amount would be and if it would be optimal for this area to accept cash in lieu. The Plan Commission would like to coordinate a meeting with the Park Board so that they can be on the same page for how parks are being approved and placed. Ultimately a master plan of future park locations is desired so that everyone is on the same page and developers are fully aware where the park location must be. Staff will coordinate with the Park & Recreation Department to establish a meeting time for discussion between the two boards. Kays suggested a map be prepared by staff showing the locations of the current public parks as they are dispersed throughout the community before that meeting.

Update of Variances and Home Occupations requested by Plan Commission

Staff assured the Plan Commission that these items have not been forgotten about and are in the works.

Executive Session:

Not held

Motion to adjourn was made by Stein and seconded by Olson. Motion carried unanimously.

John Stonebarger, Chairman
Watertown Plan Commission

Request for Plan Commission Action

TO: Watertown Plan Commission
THROUGH: John Stonebarger, Chairman
FROM: Brandi Hanten, Urban Planner
MEETING DATE: March 22nd, 2018
SUBJECT: Proposed Resolution No. 2018-08 Amending Chapter 21.8007 7. of the Revised Ordinances of the City of Watertown adding the allowance of Temporary Boulevard and Public Property Signage Adjacent to Property and Temporary Boulevard and Public Property Signs Non-Adjacent to Property Through the sign permit process

Background:

Councilman Adam Lalim proposed a real estate sign ordinance amendment on December 6th, 2018 per Ordinance 17-45B, looking at the betterment of the citizens of Watertown and for them to get the most amount of visibility if they were trying to sell their homes.

The current proposed ordinance amendment was submitted by the Northeast Association of Realtors after their previous City Council proposal was denied at the December 6th, 2017 City Council meeting with the direction to come back with a compromise to the sign code ordinance.

There are three things that the Council can regulate, that being: the time, manner, and placement of signs. The City Council said that they would be interested in looking at a compromise that perhaps could be tolerated by all parties not exclusive to just real estate signs.

The proposed amendment does include auction sales, home sales by owner, real estate listing sales, and real estate open houses.

Staff has concerns that the proposed ordinance amendment may be too vague and would substantially increase staff effort for monitoring and enforcement of the sign code by the Building Services Department. Staff members concluded with a consensus that the City should regulate signs altogether from a content-neutral basis, following the most recent Supreme Court decision.

Recommendation:

City Staff recommends the Plan Commission **not** support Resolution No. 2018-08 (ordinance amendment) as presented to City Council

Action: Plan Commission public hearing and recommendation to City Council on Resolution 2018-08

History: 03/22/18 Plan Commission Action
04/02/18 First Reading at City Council
04/16/18 Second Reading with Public Hearing at Council Meeting
04/21/18 Published – *if Approved*
05/11/18 Effective

Report and Recommendation of City Plan Commission

To the City Council of the City of Watertown, Codington County, South Dakota:

The undersigned hereby certifies that the following is a true, correct and complete copy of a Resolution introduced, fully discussed, and approved and adopted during the duly called meeting of the City Plan Commission held on the 22nd day of March, 2018:

RESOLUTION NO. 2018-08

A RESOLUTION AMENDING CHAPTER 21.8007 7. OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN ADDING THE ALLOWANCE OF TEMPORARY BOULEVARD AND PUBLIC PROPERTY SIGNAGE ADAJCENT TO PROPERTY AND TEMPORARY BOULEVARD AND PUBLIC PROPERTY SIGNS NON-ADJACENT TO PROPERTY THROUGH THE SIGN PERMIT PROCESS

BE IT RESOLVED by the Plan Commission of the City of Watertown, South Dakota, that an amendment to Chapter 21.7007 7. of the Revised Ordinances of the City of Watertown be as follows:

1. Amend 21.8007 7. to read as follows:

c. Temporary Boulevard and Public Property Signage Adjacent to Property

1. A permit may be granted for a temporary sign placement abutting or adjacent to a property for which a commercial use or purpose desires a sign placement notifying the public of such use or purpose. The purposes can include auction sales, home sales by owner, real estate listing sales, and real estate open houses
2. All applications for the placement of certain temporary signs and/or the modification or change of location of such signs, must be accompanied by the following to enable permit issuance:
 - (a) Name and address of the owner of the property abutting and adjacent to the public property upon which the sign to be erected, the name and address of the sign owner and the individual or entity name, mailing address, physical address, phone number and e-mail address, that will be responsible for the placement, maintenance, and removal of said sign.
 - (b) A site plan showing the exact location and orientation of the signs relative to any curbing, sidewalk, public ways, and driveways, and which contains a street number location to assist in identifying the location
3. A certification that such signage erected shall comply with the size and material requirements of said adjacent sign, which are:
 - (a) No sign, including the support structure, shall be constructed of any materials which is not metallic, metal, or poly metal, so as to withstand impacts, winds or blown snow;
 - (b) No sign shall be construction with any print or font is not clearly outlined with a clean border;
 - (c) No sign shall exceed the dimensions of six (6) square feet;
 - (d) No sign shall be anything other than a flat construction with a maximum of two display sides;
4. A written certification by the abutting property owner that they agree with the placement; or

maintains minimum ten (10) foot separation with a adjacent property lines.

5. The permit shall become effective upon the filing with the Building Official and payment of applicable fees
 6. The Building Official may notify the permittee of objections, violations or concerns by a telephone call or message to the phone number on the permit. The permittee shall have 24 hours to address the objection or the Building Services Department may remove the sign.
 7. The Building Services Department or Police Department may remove any sign immediately determined to be a health or safety concern. Such removal shall be followed by a telephone call or message to the phone number on the permit.
 8. Said permit shall be valid for one hundred and twenty (120) days or until
 - (a) A contract for the activity which the sign addresses, end;
 - (b) Property transfer occurs; or
 - (c) Event ends.
 9. Said permit may be renewed through a re-application above. Such re-application may be completed before the expiration of the permitted time.
- d. Temporary Boulevard and Public Property Signage Non-Adjacent to Property
1. A permit may be granted for temporary sign placement not abutting or not adjacent to a property
 - (a) For the purpose of providing directions to a location for permit granted pursuant to 21. 8007 7.c.
 - (b) Such permit shall be for a one or two day event, only.
 2. Such permit shall comply with all requirements of 21.8007 c.(b)
 - (a) Such compliance requires the permission of the property owner abutting or adjacent to the location of the non-abutting or adjacent sign
 - (b) Said permit shall additionally list the date and time of the event.
 3. Said permit shall be valid for:
 - (a) Twenty-four (24) hours in advance of the event; and
 - (b) Two (2) hours after the end of the event.

I hereby certify that the above Resolution 2018-08 was duly adopted by the City Plan Commission of the City of Watertown.

Dated this 22nd day of March, 2018

John Stonebarger, Chairman
City Plan Commission

**ILLUSTRATION OF CHANGES FOR INFORMATION PURPOSES ONLY FOR
RESOLUTION NO. 2018-08
FORMAL ORDINANCE SHALL CONTROLL**

**Chapter 21.80
SIGNS AND OUTDOOR ADVERTISING**

Section

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21.8001	Purpose
21.8002	Applicability
21.8003	Reserved
21.8004	Graphic Illustrations
21.8005	Administrative Official
21.8006	Reserved
21.8007	Sign Permits
21.8008	Sign Appeals
21.9009	Reserved
21.8010	Bond and License Required
21.8011	Design and Construction
21.8012	Maintenance of Signs
21.8013	Area and Height Regulations
21.8014	Exempt Signs
21.8015	Prohibited Signs
21.8016	Legally Nonconforming Signs
21.8017	Freestanding Signs
21.8018	Projection of Building Signs Permitted
21.8019	Reserved
21.8020	Limitations on Use of Inflatable Signs
21.8021	Limitations on Use of Banners
21.8022	Regulation of Electronic Message Centers
21.8023	Regulation of Portable Signs
21.8024	Regulation of Off-Premise Signs
21.8025	Reserved
21.8026	Restrictions on Signs Located in the Public Right-of-Way
21.8027	Table 1 – Signs by Type and Zoning District
21.8028	Table 2 – Number, Dimensions and Location of Individual Signs and Maximum Total Sign Area by Zoning District
21.8029	Table 3 – Number and Dimensions of Certain Signs by Type

21.8001: PURPOSE

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The purpose of this chapter is to promote the general safety and welfare of the City by facilitating communication between people through establishment of a comprehensive system regulating signs in the City. The objectives of this code are:

1. To regulate signs which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes;
2. To encourage signs that are readable;
3. To control the number, size, location, and condition of signs;
4. To regulate signs to prevent the obstruction of vision or interference with pedestrian or vehicular traffic.
5. To minimize adverse effects of signs on public and private property;
6. To maintain and enhance the overall aesthetics of the community and ensure fair and consistent enforcement of this chapter.

21.8002: APPLICABILITY

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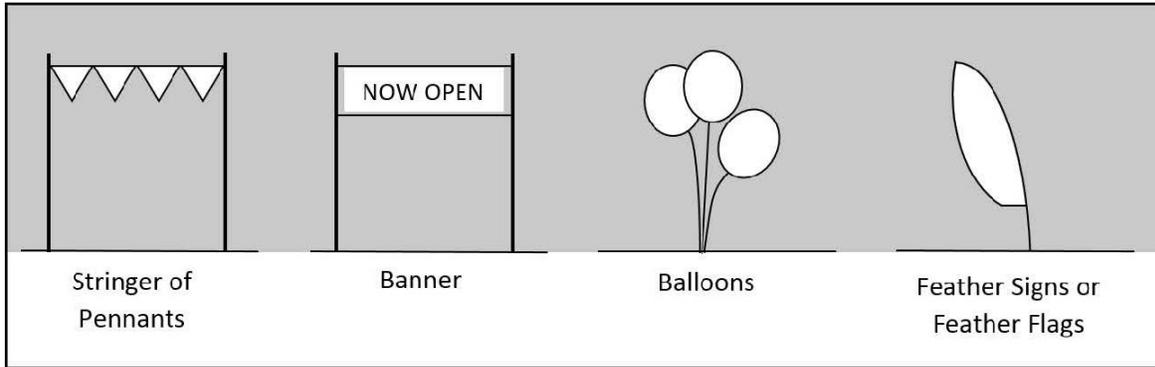
No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations are applicable to all districts.

21.8003: RESERVED

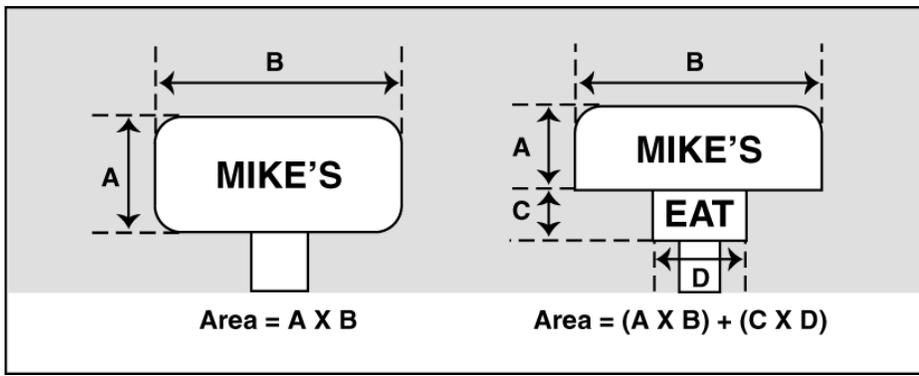
21.8004: GRAPHIC ILLUSTRATIONS

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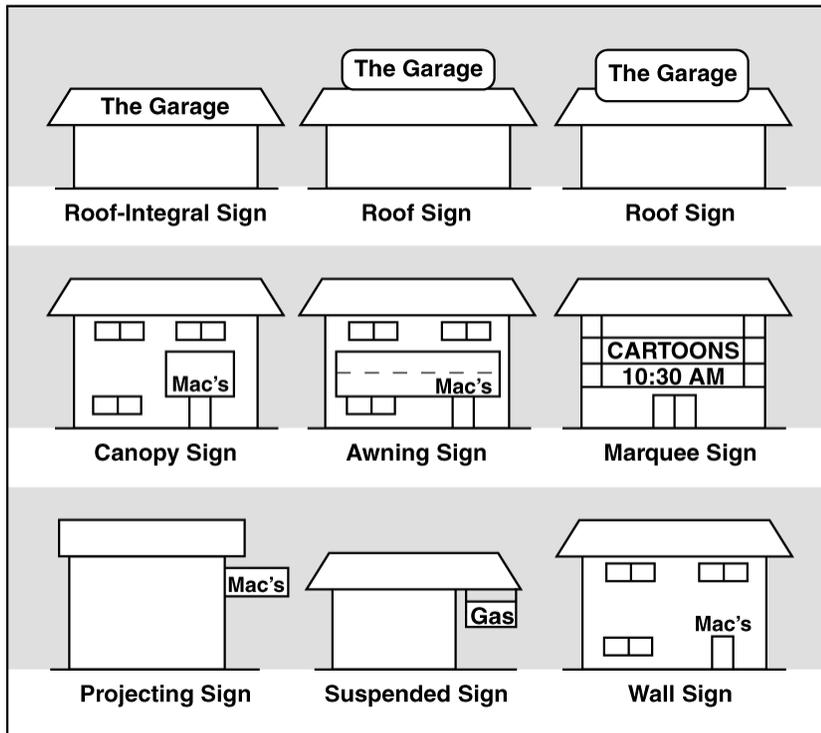
1. Examples of Temporary Signs (not all inclusive)



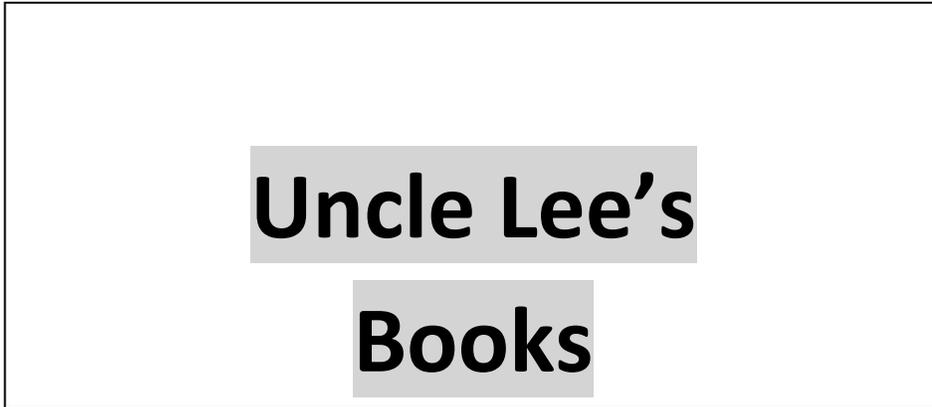
2. Computation of Sign Area



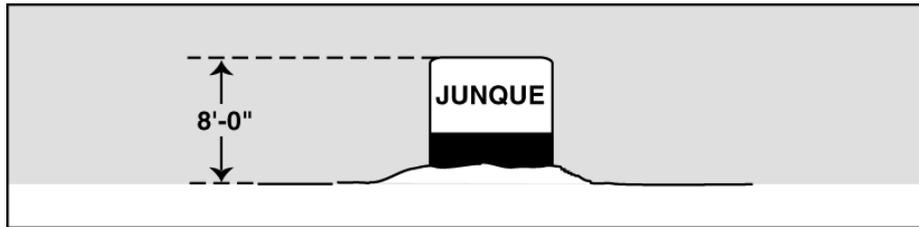
3. Building Identification Signs (not all inclusive)



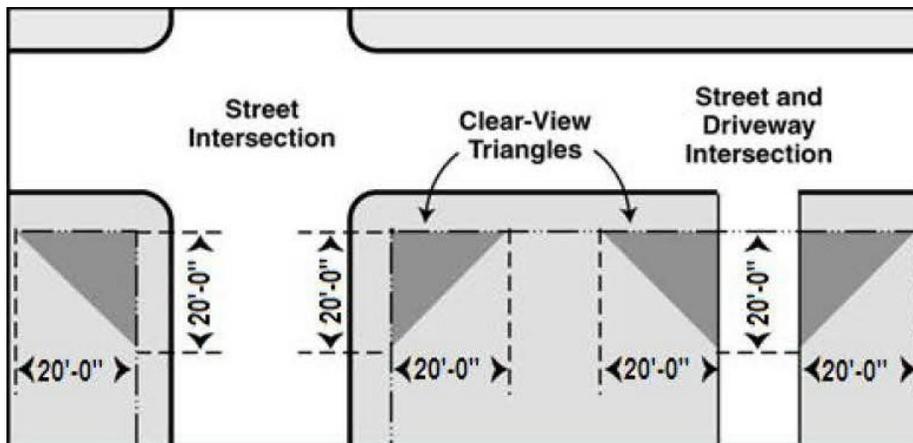
4. **Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs**



5. **Height of Sign with Grade Mounting (See definition of Grade)**



6. **Clear View Triangle Area Intersection of Streets Intersection of Street and Driveway**



21.8005: ADMINISTRATIVE OFFICIAL

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1. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter.
2. When necessary to make an inspection to enforce the provisions of this code, or when the Administrative Official has reasonable cause to believe a sign or a condition exists which is contrary to, or in violation of this code, the Administrative Official may enter the premises at a reasonable time to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Administrative Official shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Administrative Official shall resort to the remedies provided by law to secure entry.
3. This code shall not be construed to relieve or reduce the responsibility to any person owning, operating or controlling any sign or sign structure liability for any damages to persons or property caused by defects, nor shall the City be deemed to have assumed any liability by reason of any act or omission, including, but not limited to conducting any inspection authorized by this code or any permits issued under this code.

21.8007: SIGN PERMITS

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1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the Administrative Official.
2. Every sign permit issued by the Administrative Official shall expire by limitation and become null and void if construction does not commence within sixty (60) days from date of permit issuance, and shall expire by limitation in one hundred twenty (120) days from the date of permit issuance. For good cause, the Administrative Official may extend the time of permit validity for an additional one hundred twenty (120) days. Any extension granted shall be accompanied by a fee equal to one-half (1/2) of the original permit fee paid to the City.
3. **Number of Signs.** Any permit issued may authorize one or more signs.
4. **Assignment of Sign Permits.** A current and valid permanent sign permit shall be freely assignable to a successor in interest to the property upon which such permanent sign was originally constructed.
5. **Permit Prohibited.** No permit shall be issued to any lot upon which there exists any illegal sign at the time of making permit application; however, a permit may be issued for both the removal of any illegal sign as well as for the erection of a legally conforming sign.
6. **Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body from time to time by resolution.
7. **Sign Permit Process.** The following procedure shall govern the application for, and issuance of, all sign permits under this chapter:

a. Permanent Signs

[\(back to Chapter contents\)](#)

- (1) All applications for the construction, creation, placement or installation of permanent signs or the modification, excluding the changing of the advertising message or copy of an existing permanent sign, must be accompanied by the following to enable permit issuance:
 1. Name and address of owner of the property upon which the sign is to be erected; name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;
 2. A detailed site plan showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways, size and type of existing signs on the property and other pertinent land and architectural features.
 3. An elevation drawing showing the total sign height above the adjacent grade.
 4. The total dimensions of the sign facing.
 5. The design features of the sign.
 6. The type of illumination or other characteristics of the sign (see 21.8027).
 7. Completed Sign Permit Application.
- (2) A permitted sign shall be deemed perpetual, and shall not terminate unless:
 1. The sign has been abandoned as defined hereunder or;

- 2 The business activity or identified entity which existed at the time the sign permit was issued is discontinued for a period of three hundred sixty-five (365) days or more or;
- 3 The type, size, height, location, or illumination is changed, altered or modified.

b. Temporary Signs

All applications for the construction, creation, placement or installation of certain temporary signs and/or the modification or change of location of such signs, must be accompanied by the following to enable permit issuance:

- (a) Name and address of owner of the property upon which the sign is to be erected, the name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;
- (b) A site plan showing the exact location and orientation of the sign(s) relative to all lot lines.
- (c) A drawing showing the total sign height and facing dimensions.
- (d) The type of illumination or other characteristics of the sign (see 21.8027).
- (e) Completed Sign Permit Application.

c. Temporary Boulevard and Public Property Signage Adjacent to Property

1. A permit may be granted for a temporary sign placement abutting or adjacent to a property for which a commercial use or purpose desires a sign placement notifying the public of such use or purpose. The purposes can include auction sales, home sales by owner, real estate listing sales, and real estate open houses
2. All applications for the placement to certain temporary signs and/or the modification or change of location of such signs, must be accompanied by the following to enable permit issuance:
 - (a) Name and address of the owner of the property abutting and adjacent to the public property upon which the sign to be erected, the name and address of the sign owner and the individual or entity name, mailing address, physical address, phone number and e-mail address, that will be responsible for the placement, maintenance, and removal of said sign.
 - (b) A site plan showing the exact location and orientation of the signs relative to any curbing, sidewalk, public ways, and driveways, and which contains a street number location to assist in identifying the location
3. A certification that such signage erected shall comply with the size and material requirements of said adjacent sign, which are:
 - (a) No sign, including the support structure, shall be constructed of any materials which is not metallic, metal, or poly metal, so as to withstand impacts, winds or blown snow;
 - (b) No sign shall be construction with any print or font is not clearly outlined with a clean border;
 - (c) No sign shall exceed the dimensions of six (6) square feet;
 - (d) No sign shall be anything other than a flat construction with a maximum of two display sides;
4. A written certification by the abutting property owner that they agree with the placement; or maintains minimum ten (10) foot separation with a adjacent property lines.
5. The permit shall become effective upon the filing with the Building Official and payment of applicable fees
6. The Building Official may notify the permittee of objections, violations or concerns by a telephone call or message to the phone number on the permit. The permittee shall have 24 hours to address the objection or the Building Services Department may remove the sign.
7. The Building Services Department or Police Department may remove any sign immediately determined to be a health or safety concern. Such removal shall be followed by a telephone call or message to the phone number on the permit.
8. Said permit shall be valid for one hundred and twenty (120) days or until
 - (a) A contract for the activity which the sign addresses, end;
 - (b) Property transfer occurs; or
 - (c) Event ends.

9. Said permit may be renewed through a re-application above. Such re-application may be completed before the expiration of the permitted time.

d. Temporary Boulevard and Public Property Signage Non-Adjacent to Property

1. A permit may be granted for temporary sign placement not abutting or not adjacent to a property

(a) For the purpose of providing directions to a location for permit granted pursuant to 21.8007 7.c.

(b) Such permit shall be for a one or two day event, only.

2. Such permit shall comply with all requirements of 21.8007 c.(b)

(a) Such compliance requires the permission of the property owner abutting or adjacent to the location of the non-abutting or adjacent sign

(b) Said permit shall additionally list the date and time of the event.

3. Said permit shall be valid for:

(a) Twenty-four (24) hours in advance of the event; and

(b) Two (2) hours after the end of the event.

8. Application Review

The Administrative Official shall review all sign permit applications and render a decision on permit issuance as quickly as possible.

9. Removal of Signs

- a. Subject to the following exceptions, upon determining any sign is unlawful, the Administrative Official shall prepare a written notice and order which shall describe the sign and specify the violation involved. The notice and order shall advise that if the sign is not removed or any violation not corrected within thirty (30) calendar days, the sign shall be removed in accordance with the provisions of this chapter with all costs for such removal to be assessed against the real property upon which such unlawful sign exists. Temporary, non-portable signs that are unlawful are no subject to the above process and may be summarily removed and deposited at City Hall by the Administrative Official or his/her designee in order to allow the owner of the sign to reclaim the same. (Ord 17-33; Rev09-29-17)
- b. Service of the notice and order shall be made upon the owner of the property as well as the owner of the sign by mailing such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their last known address. If no address is known, then a copy of the notice and order shall be sent via certified mailed, to the premises where the unlawful sign exists. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section.
- c. Any person having an interest in the sign or the premises may appeal any determination or decision of the Administrative Official, by filling a written notice of appeal to the Administrative Official within thirty (30) days of receipt of the notice. In order for such notice of appeal to be valid, it shall be accompanied by all information required under this chapter to initiate an appeal with the Sign Code Board of Appeals. Failure to appeal the notice and order within the time provided shall constitute a knowing and voluntary waiver of the right to appeal.

21.8008: SIGN APPEALS

[\(back to Chapter contents\)](#)

1. The Board of Adjustment shall hear and decide appeals and decisions made by the administrative official under this chapter.
2. The appellant shall notify, by certified mail, adjacent premises (excluding public and/or private right-of-ways) that an appeal is being made. For the purposes of this section, any property located within one hundred (100) feet of the property line from the location upon which such appeal is being taken shall be deemed adjacent. Such letter shall be provided by the Administrative Official. (Ord 17-33; Rev 09-29-1)

21.9009: RESERVED

21.8010: BOND AND LICENSE REQUIRED

[\(back to Chapter contents\)](#)

1. **Bonding Requirement.** No person shall engage in the business of sign or outdoor advertising in this City by erecting or maintaining or leasing to others ground signs, wall signs, marquee signs or projecting signs until such person shall have filed with the Finance Officer a bond in the sum of ten thousand dollars (\$10,000) with sureties to be approved by the City Council, conditioned for the faithful observance of this chapter and

to save and keep harmless this City from all damages, liabilities, losses or judgments that may be recovered against this City by reason of the negligent erection or maintenance of any such ground sign, projecting sign or marquee sign.

2. License Required.

- a. No person shall engage in the business of sign or outdoor advertising by erecting or maintaining or leasing to others ground signs, wall signs, projecting signs or marquee signs in this City without first having procured a license from the City Council to conduct such business. Application for a license shall be made on forms furnished by the Finance Officer and applicant shall file with the Finance Officer the application together with a certificate of standard form contractors public liability insurance, covering bodily injuries, including death, with limits of not less than two hundred fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) for each accident and covering property damage with limit of two hundred fifty thousand dollars (\$250,000) for each accident. Such license shall not be transferable.
- b. **Sign Installer's License:** The license fee for engaging in the commercial billboard or advertising board business by erecting or maintaining ground, wall or other signs on space suitable for billboard display or advertising and the letting of such space to others for a consideration, or the hanging of signs for others, shall be established by resolution of the City Council. Any license issued pursuant to this section shall expire on December 31 of the year of issuance. Signs that meet all of the following criteria do not require the services of a licensed sign installer; (1) a wall sign, (2) that is not self-illuminated, (3) that has a sign area of 32 square feet or less, and (4) that has a flat face. (Ord 12-23; Rev 09-14-12) (Ord 17- 33; Rev 09-29-17)
- c. This section with reference to first year license fee shall not be applicable to any person who is regularly engaged in the business of sign installing or sign wiring in this City at the time of the effective date of this chapter.

21.8011: DESIGN AND CONSTRUCTION

[\(back to Chapter contents\)](#)

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

- 1. All signs shall comply with the applicable provisions governing construction within and for the City, including but not limited to the International Building Code, National Electric Code, and South Dakota Administrative Rules (ARSD) 20:44:22. (Ord 17-33; Rev 09-29-17)
- 2. All permanent signs shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- 3. Any sign installed with dimensions exceeding fifty (50) square feet and which requires weldments must be welded by a certified structural welder with minimum welder certification AWS: D1.1 structural steel vertical flat and horizontal up to three-quarters (¾) inch thick mild steel.
- 4. Electrical signs may be illuminated internally or externally as long as the lighting is directed away from the public right-of-way and adjacent residential areas.

21.8012: MAINTENANCE OF SIGNS

[\(back to Chapter contents\)](#)

- 1. **Maintenance Required.** All signs and sign support structures, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of maintenance.
- 2. **Activities Considered Maintenance.** Maintenance shall include activities such as replacing of defective or damaged parts such as lamps, replacing ballast in freestanding signs, or replacing transformers in building identification signs; painting and/or repainting of the pole of freestanding signs or the cabinet of freestanding or building identification signs; replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim, and replacement of sign fasteners, nuts, and washers. A maintained sign structure shall have a sign face. Temporary removal of the sign cabinet for the installation of a new sign face is permitted and will not require that the sign be brought into conformance with this chapter.
- 3. **Items Not Considered Maintenance.** The following items are not considered maintenance and shall require any sign undergoing the following activities to conform with this chapter.
 - a. Maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.

- b. Maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.
4. **Legally Established Nonconforming Permanent Signs.**
- a. Maintenance as defined herein and alterations, including change of the sign face and color, may be performed upon legally established nonconforming permanent signs.
 - b. A legally established nonconforming permanent sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this chapter. A sign shall be brought into conformance with this chapter when it :
 - (1) Is changed structurally as stated in Section 21.8012 above; or
 - (2) Is damaged in excess of fifty percent (50%) of the replacement cost, established by a qualified appraiser; or
 - (3) Is temporarily or permanently removed by any means, including an act of God, excluding the temporary removal for new face. If a sign is damaged by Act of God or other means, in the event of repair, the damaged sign shall be brought into compliance with the provisions of this ordinance. All other signs which remain on the property that was the site of such damage will be allowed to remain until such time as they are required to be replaced.
5. On and off-premise signs shall be removed from the building and property after the business or activity is terminated. However, the existing sign structures may be used to advertise the sale, lease, or rent of the property, provided that all advertising material related to the previous occupant is removed. (Ord 17-33; Rev 09-29-17)

21.8013: AREA AND HEIGHT REGULATIONS

[\(back to Chapter contents\)](#)

Computations. The following principles shall control the computation of sign area and sign height.

- 1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- 2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
- 3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - a. The existing grade prior to construction
 - b. The newly established grade after construction

21.8014: EXEMPT SIGNS

[\(back to Chapter contents\)](#)

The following signs are required to conform with this chapter, but are exempt from permitting requirements of this chapter.

- 1. Any public notice or warning required by any federal, state or local law, regulation or ordinance.
- 2. Works of art that do not include a commercial message.
- 3. Holiday lights and decorations with no commercial message.

4. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
5. Incidental signs. (Ord 17-33; Rev 09-29-17)
6. Changing of advertising copy or message, painting, maintenance and/or repair of an existing lawful sign, provided no structural changes are made. (Ord 17-33; Rev 09-29-17)
7. Construction Signs. One sign per contractor shall be allowed per lot. The sign shall not exceed thirty two (32) square feet in area and shall not be erected until a building permit has been issued. A construction sign must be removed within fourteen (14) days after substantial completion of the project;
8. Building Markers. (Ord 17-33; Rev 09-29-17)
9. Banners as defined herein. (Ord 17-33; Rev 09-29-17)
10. Real estate signs, subject to the following restrictions:
 - a. Residentially Zoned Lots or Parcels.
 - (1) Less Than One Acre. One sign per street frontage not to exceed six (6) square feet per sign.
 - (2) At Least One Acre but Not Greater Than Five (5) Acres. One sign per street frontage not to exceed thirty two (32) square feet per sign.
 - b. All Other Zoned Lots Or Parcels.
 - (1) Less Than One Acre. One sign per street frontage not to exceed sixteen (16) square feet per sign.
 - (2) At Least One Acre but Not Greater Than Five (5) Acres. One sign per street frontage not to exceed thirty two (32) square feet per sign.
 - c. Real estate signs must be removed within seven days of the sale of property advertised by said sign. (Ord 17-33; Rev 09-29-17)
 - d. Model Complex Signs shall be located on the project site and conform to the following requirements:
 - (1) One sign per complex not to exceed sixty four (64) square feet,
 - (2) One sign per model not to exceed six (6) square feet,
 - (3) Signs are to be removed when complex no longer serves as a model home complex.
 - e. Off-Premises Open House Signs are permitted subject to the following criteria:
 - (1) A maximum of four (4) signs are allowed per open house,
 - (2) Signs may be put up five (5) consecutive days before opening and must be removed one (1) day after closing the open house and are not permitted to remain any longer than ten (10) days,
 - (3) Landowner permission is required before any off-premise sign may be placed on their property, and
 - (4) Signs may not be placed in the public rights of way or medians.
11. Window signs covering up to seventy five percent (75%) of the area per window;
12. Temporary political signs: Such temporary signs are limited to a maximum size of thirty two (32) square feet. Political signs may be placed not more than sixty (60) days prior to an election and shall be removed within five (5) days after the election; (Ord 17-33; Rev 09-29-17)
13. Identifying logos which do not advertise a product or service on municipally owned water storage reservoirs, when directed by the City Council.
14. Balloons with a diameter of less than twenty four (24) inches.
15. The following temporary signs:

Public or nonprofit institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural; religious or recreational in nature, may display temporary on-premises or off-premises signs. The following requirements shall apply:

 - a. The size shall not exceed sixty thirty two (32) square feet after January 1, 2018; (Ord 15-16; Rev 07-10-15)
 - b. The height of the sign shall not exceed eight (8) feet;
 - c. Portable signs shall be properly anchored with approved materials;
 - d. Signs shall not be placed within a required clear view triangle or a required parking area;
 - e. Electric signs shall comply with [Section 21.8011\(5\)](#).
 - f. Banners shall be secured to a building at all times.

- g. Signs may be placed fifteen (15) days prior to an event and shall be removed within five (5) days of the termination of the event.
- 16. Any on-premise portable sandwich board sign less than ten (10) square feet in area may remain on display to the public only during the hours of business operation. (Ord 17-33; Rev09-29-17)
- 17. Any traditional flag not carrying a commercial advertising message, including a single corporate flag or emblem. (Ord 17-33; Add 09-29-17)

21.8015: PROHIBITED SIGNS

[\(back to Chapter contents\)](#)

The following types of signs are expressly prohibited, except as otherwise provided by this code:

- 1. Signs with lighting that flashes or blinks; (Ord 17-33; Rev09-29-17)
- 2. Any sign or portion of a sign which moves or assumes any motion constituting a nonstationary position, except barber poles and signs attached to or placed upon a motor vehicle;
- 3. Abandoned signs or unlawful signs;
- 4. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is actually and actively used in the regular course of a business; (Ord 17-33; Rev09-29-17)
- 5. Search lights, streamer, twirling signs, sandwich board signs (except as provided for in Section 21.8014(16), sidewalk or curb signs, balloons exceeding twenty four (24) inches in diameter, and inflated figures shall not be used except when permitted for the opening of a new business, not to exceed fifteen (15) days; (Ord 17-33; Rev 09-29-17)
- 6. Flags, both feather-type and traditional, that display an advertising message, except one traditional flag bearing a single corporate logo or emblem; (Ord 17-33; Rev 09-29-17)
- 7. Roof signs; (Ord 17-33; Rev 09-29-17)
- 8. Signs depicting words or pictures of obscene or pornographic material, or any other matter not in keeping with the contemporary community standards; (Ord 17-33; Rev09-29-17)
- 9. Signs that emit sound, odor, or visible matter;
- 10. Signs which are similar to traffic control signs or signals and which advertise words such as “Stop,” “Go,” “Danger,” “Warning”;
- 11. Signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;
- 12. Signs attached to trees, telephone poles, public benches, street lights, street signs or placed on any public property or public right-of-way.
- 13. Signs, with the exception of signs declared except per Section 21.8014(1) & (4) which are placed within or encroach upon the clear view triangle defined in this chapter; (Ord 17-33; Rev 09-29-17)
 - a. On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points twenty (20) feet from the intersection of such street right-of-way lines extended. See [Section 21.8004 \(6\)](#) for graphic illustration; (Ord 17-33; Rev09-29-17)
 - b. On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line connecting points twenty (20) feet from the intersection of the street right-of-way line and driveway. See [Section 21.8004 \(6\)](#) for graphic illustration; (Ord 17-33; Rev09-29-17)
- 14. Off-premises wall signs, with the exception of historic signs in the C-1 Community Commercial zoning district.
- 15. Stringer of pennants; (Ord 17-33; Rev 09-29-17)
- 16. Flags containing a commercial advertising message; (Ord 17-33; Add09-29-17)
- 17. Parasitic signs; and (Ord 17-33; Add 09-29-17)
- 18. Any sign that is located on a lot that at any time fails to meet the minimum lot area and width for its zoning district, as provided in Sections 21.1001 and 21.1003. (Ord 17-33; Add09-29-17)

21.8016: LEGALLY NONCONFORMING SIGNS

[\(back to Chapter contents\)](#)

Any sign existing upon the date of adoption of this chapter which does not conform to the provisions of this chapter shall be deemed a legal nonconforming sign and may remain except for:

1. Any abandoned sign;
2. Any sign declared unlawful by the Administrative Official; or any sign that does not comply with the provisions of this code or International Building Code (IBC) as well as all acts amendatory thereto. (Ord 04-16; Rev 05-16-14)
3. Any sign in which the type, size, height, or location is changed; (Ord 17-33; Rev09-29-17)
4. Any sign which has been moved, removed, relocated or damaged by more than fifty percent (50%) of the value of the sign at the time of such damage;

21.8017: FREESTANDING SIGNS

[\(back to Chapter contents\)](#)

1. Lots which are allowed more than one freestanding sign shall space each sign not less than fifty (50) feet apart. Minimum spacing is to be determined by measuring the closest distance between the two outermost points of each individual sign.
2. No freestanding sign shall be located within a clear viewtriangle.
3. Freestanding signs shall not employ any moving parts.

21.8018: PROJECTION OF BUILDING SIGNS PERMITTED

[\(back to Chapter contents\)](#)

Projecting, awning, canopy, marquee and wall signs may project over public property where the building was constructed at/on the front property line except for State highway rights-of-way.

21.8019: RESERVED

21.8020: LIMITATIONS ON USE OF INFLATABLE SIGNS

[\(back to Chapter contents\)](#)

Inflatable signs, excluding balloons smaller than twenty four (24) inches in diameter, may be displayed under the following conditions:

1. They do not interfere with utility lines, antennas or towers.
2. No cabling, tie-downs or tether lines are located on or across public property.
3. They are not located in any airport approach zone.
4. Inflatable signs may be displayed on a lot for forty five (45) days per calendar year. A permit may be issued for fifteen (15) consecutive days with not less than thirty (30) calendar days between permit expiration and issuance of a new permit.

21.8021: LIMITATIONS ON USE OF BANNERS

[\(back to Chapter contents\)](#)

1. Banners are allowed in commercial and industrial zoning districts, and only for institutional uses in residential zoning districts;
2. Banners are not permitted to be placed on any property that does not have a principle structure;
3. Banners may not be used for off-premise advertising
4. In the event a property has only one side which abuts a street or public way, one banner will be allowed provided said banner does not exceed twenty four (24) square feet.
5. In the event a property abuts two or more streets or public ways, no more than two (2) banners will be allowed and not more than one (1) banner will be allowed to face any such street or public way provided no banner exceeds twenty four (24) square feet.
6. In the event a property contains more than one building, only one banner will be allowed to face each street or public way.
7. In the event a property does not abut any street or public way, no banner will be allowed.

8. Any banner must be securely fastened to a building or secured to a permanent foundation minimally consisting of a four (4) inch nominal diameter post concreted in the ground to a depth of thirty (30) inches.
9. A banner may contain one greeting message and/or one commercial message. (Ord 08-09; Rev 06-12-08)
10. Shopping mall or strip malls shall be allowed one (1) banner per business.

21.8022: REGULATION OF ELECTRONIC MESSAGE CENTERS

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade scrolling, or traveling. However, sudden movement is prohibited, including but not limited to, blinking and flashing.
2. Where permitted, signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed by various modes, such as fade, dissolve, scrolling, and traveling.
4. All electronic message centers shall come equipped with automatic dimming controls that automatically adjust the signs brightness in direct correlation with ambient light conditions.
5. No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a preset distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (E.g., using a twelve (12) square foot sign: Square root of (12x100) = 34.6 feet measuring distance.) (Ord 17-33; Add 9-29-17)

21.8023: REGULATION OF PORTABLE SIGNS

[\(back to Chapter contents\)](#)

1. A property owner may display one (1) portable sign for a maximum of sixty (60) days per calendar year. Permits shall be issued for a maximum of fifteen (15) consecutive days; upon expiration of any permit period, the sign structure shall be removed from public view, and not less than forty five (45) days shall pass before a new permit may be issued at the same location. (Ord 15-16; Rev07-10-15)
2. Portable signs are prohibited from being located within the right of way and within ten (10) feet of a curb. (Ord 17-33; Rev 09-29-17)
3. Portable signs shall be secured against overturning.
4. Prior to January 1, 2018, portable signs shall not exceed sixty (60) square feet. After January 1, 2018, portable sign structures shall not exceed thirty two (32) square feet. The transport structure (wheels and frame) is excluded from the allowed thirty two (32) square feet. (Ord 15-16; Add07-10-15)
5. Portable signs must be set back twenty (20) feet from any abutting property line unless the owner of any such abutting properties consent in writing. (Ord 17-33; Rev09-29-17)
6. Electric signs shall comply with all applicable sign code regulations, including any regulations of electronic message centers. (Ord 17-33; Rev 09-29-17)
7. Portable signs shall be separated by not less than two hundred (200) feet from any other portable sign. (Ord 17-33; Add 09-29-17)
8. Failure to obtain a portable sign permit before it is installed shall result in a doubling of the permit fee. (Ord 17-33; Add 09-29-17)

21.8024: REGULATION OF OFF-PREMISES SIGNS

[\(back to Chapter contents\)](#)

1. Off-premises ground signs shall have no more than one visible structural support or pole.
2. Off-premises sign support structure shall be of neutral, nonmetallic tone.
3. Off-premises signs shall be limited to two hundred eighty eight (288) square feet in size and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. (Ord 17-33; Rev 09-29-17)

4. Off-premise signs shall be located not nearer than five hundred (500) feet from any other off-premise sign. The distance between off-premise signs shall be measured from the two nearest points of each sign in all directions.
5. Off-premise signs shall have no more than two faces.
6. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another.
7. Off-premises signs shall not be located within any clear view triangle.
8. Off-premise signs shall be separated by not less than fifty (50) feet from any on-premises sign.
9. Off-premise sign permits shall not be issued for any property without the Administrative Official having first been provided written consent of the property owner or their agent.
10. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not emit lighting directly on any adjoining property, nor shall the source of illumination produce a glare clearly visible beyond a property line, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral.
11. No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals.

21.8025: RESERVED

[\(back to Chapter contents\)](#)

21.8026: RESTRICTIONS ON SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY

No sign shall be erected in the public right-of-way except:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
2. Informational signs by a public utility regarding poles, lines, pipes or facilities.
3. Awning, canopy, marquee, projecting and suspended signs in conformity with all other applicable sections of this ordinance.
4. “Area Identification Signs” which are used to identify residential subdivisions or homeowners associations. Such signs shall be limited to a maximum area of one hundred (100) square feet. The Building Official shall refer all such applications to the City Council, which may impose conditions. Any decision by the City Council shall be final. (Ord 12-12; Add 05-11-12)

21.8027: TABLE 1 - SIGNS BY TYPE AND ZONING DISTRICT

[\(back to Chapter contents\)](#)

Permitted Signs shall be allowed on private property in accordance with Table 1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by a "P" shall be allowed only if it conforms to all other applicable requirements of this ordinance.

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Ground (Monument)	P	P	P	P	P	P	P	P	P
Pole	P	P	P	P	P	P	P	P	P
Off-Premises Sign	N	N	P	N	P	N	P	P	N
BUILDING									
Canopy/Awning/Awning - Electric	N	P	P	P	P	P	P	N	P
Building Marker (b)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Identification (d)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marquee	N	N	P	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Suspended	N	N	P	P	P	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P
Window	P	P	Y	Y	Y	P	P	P	N
Off-Premises Sign	N	N	P	N	P	N	P	P	N
MISCELLANEOUS									
Banner (d)	N	N	Y	Y	Y	Y	Y	N	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y	Y
Inflatable (c)	N	N	P	P	P	N	N	N	Y
Pennant	N	N	N	N	N	N	N	N	N
Portable (e)	N	N	P	P	P	P	P	N	Y
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y
CHARACTERISTICS									
Changeable Copy	P	P	P	P	P	P	P	N	P
Electronic Message Center	P	P	P	P	P	P	P	P	P
Illuminated – External (f)	P	P	P	P	P	P	P	P	P
Illuminated-Internal	P	P	P	P	P	P	P	P	P
Indexing	N	N	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	P	N
Non-Illuminated	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reflective	N	N	Y	Y	Y	Y	Y	Y	N

Y=Allowed w/o sign permit

P=Allowed only with sign permit

N=Not allowed

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include, hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) May include only building name, date of construction or historical data on historic site.
- (c) Permitted only in accordance with [Section 21.8011.20](#)
- (d) Permitted only in accordance with [Section 21.8011.21](#)
- (e) Permitted only in accordance with [Section 21.8011.23](#)
- (f) Any surface lighting involving motion shall be prohibited.
- (g) Signs shall be illuminated so as not to emit lighting directly on any adjoining property. No sign shall include a source of illumination that produces glare clearly visible beyond a property line.

**21.8028: TABLE 2 - NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS AND
 MAXIMUM TOTAL SIGN AREA BY ZONING DISTRICT** ([back to Chapter contents](#))

Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this table.

SIGN TYPE	ZONING DISTRICTS								
	R1 R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Number Permitted per Lot	NA	NA		NA	NA	NA	NA		
Number Permitted Per Feet Of Street Frontage (d)	NA	NA	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 200' of Frontage	1 for each Business with up to 200' of Frontage; over 200' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of Frontage; over 500' of frontage is allowed one additional sign	1 for each 500' of frontage; over 500' of frontage is allowed one additional sign	1 for each Frontage; over 500' of frontage is allowed one additional sign
Setback From Right-of-Way (Feet) (c)	NA	NA	0	0	0	10	10	10	0
Maximum Area (Sq. Ft)	NA	NA	1 SF for each 2 LF of Frontage Or 75 SF whichever is Less	75	2 SF for each 1 LF of Frontage Or 300 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less
Maximum Height (Feet)	NA	NA	20 *b	16 *b	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (b)(f)	20	20
Minimum Clearance (Feet) (i)	NA	NA	10	6	6	10	10	10	6
BUILDING									
Area (Sq. Ft)	3	3	NA	NA	NA	NA	NA	NA	NA
Wall Area (%) (e)	NA	NA	15	10	20	7.5	7.5	10	7.5
MAXIMUM TOTAL SIGN AREA (g)(h)(j)									
Maximum Total SF - Single Frontage	16	16	400	200	800	800	600	750	200
Maximum Total SF For Lots With 2 Or More Frontage	NA	NA	600	300	1000	1000	NA	1,000	800

- (a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
- (b) In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for *f.
- (c) No part of any sign shall protrude into the horizontal or vertical setback line.
- (d) Lots with two or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on one frontage in excess of that allowed for lots with only one street frontage.

- (e) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.
 - (f) An on-premises sign may have a maximum height of one hundred (100) feet if the sign is located within one thousand (1,000) feet of the center median of Interstate 29.
 - (g) Lots with buildings that function as malls or shopping centers and contain more than five (5) businesses shall be allowed fifty (50) square feet of additional signage for each additional business, over five (5) businesses, located within said building.
 - (h) Window signs shall not count toward MAXIMUM TOTAL SIGN AREA.
 - (i) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.
 - (j) Buildings in excess of 5 stories or 50’ in height may use 5% of identification signage on each wall and not count against maximum total sign area.
1. In the case where two or more buildings reside on a lot with an identical legal description, the buildings will share in an apportioned amount of signage contingent upon the amount of building frontage.
 2. Refer to [Section 21.8024](#) for regulation of off-premise signs.
 3. The existence of a legally nonconforming free-standing sign will not prohibit a sign permit being issued at the same location for a legally conforming wall (building) sign, however, if the square footage allotted to any property or applicant is exceeded for any reason, then the property or applicant is not eligible to make application for variance or conditional use for any additional signage. (Ord 07-17, Rev06-15-07)
 4. Religious Institutions will be allowed two (2) off-premise, directional, non-illuminated signs, which are not to exceed four (4) square feet and not placed in the right-of-way.

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21.8029: TABLE 3 - NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
BUILDING				
Awning (a)			8	2
Awning, Electric (a)			8	2
Building Marker	1 per building	4		
Canopy (a)			8	2
Identification	1 per building			
Marquee (a)			8	2
Projecting (b)	1 per bldg face	48	10	2
Roof				
Suspended	1 per entrance		8	
Wall (a)				
MISCELLANEOUS				
Banner (d)	2	24 SF/banner		2
Flag			8	2
Inflatable (c)	1	100		
Portable (e)	1	60		
Temporary	1	32		

- (a) Sign area for this sign shall be applied to the maximum allowable wall area from Table 2.
- (b) One sign shall be permitted for each building face fronting a public street.
- (c) Permitted only in accordance with [Section 21.8020](#)
- (d) Permitted only in accordance with [Section 21.8021](#)
- (e) Permitted only in accordance with [Section 21.8023](#)
(Ord 08-09; Rev 06-12-08) (Ord 09-07; Rev 06-12

Request for Plan Commission Discussion

TO: Watertown Plan Commission
THROUGH: John Stonebarger, Chairman
FROM: Brandi Hanten, Urban Planner
MEETING DATE: March 22nd, 2018
SUBJECT: Discussion of a potential ordinance amendment adding a zoning district (R-1A) to facilitate affordable housing

Background: The discussion of this topic comes from the Mayor's Affordable Housing Committee and the desire to create a zoning district that allows for smaller minimum lot sizes and setbacks to facilitate a more affordable housing market within Watertown. Initial discussion of such a zoning designation included these requirements:

- Minimum lot area 5,000 s.f.
- Minimum lot width 50'
- Minimum side yard setback 6'
- Only allowing a certain percentage of lot coverage to be impervious surfaces
- Only allowing driveways to be a certain width where it meets the public right-of-way to allow for on-street parking with such narrow lot widths.
- Open to allowing shared walls between shared lot lines as long as *each* home had sufficient lot width (50')

Chapter 21.10
SUMMARY OF DISTRICT REGULATIONS

Section

[\(back to Title contents\)](#)

[21.1001 Residential Height and Placement Regulations](#)

[21.1002 Residential Height and Placement Regulations for Accessory Structures](#)

[21.1003 Non-Residential Height and Placement Regulations](#)

[21.1004 Non-Residential Height and Placement Regulations for Accessory Structures](#)

21.1001: RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS [\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

Residential Districts		Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard	Minimum Required Rear Yard	Maximum Overall Height ^b
R1 Single Family Dwelling Unit		9,000	9,000	75'	25'	9' c, d	25'	35'
R1 Single Family Dwelling Unit	Corner Lots	10,000	10,000	85'	25'	9' c, d	25'	35'
R-1A Single Family Lite		5,000	5,000	50'	25'	6'	25'	35'
R2A Single Family D.U.	No New Dev.	N/A	6,000	50'	25'	c, d	25'	35'
R2 Two Family Dwelling Unit		2,500	10,000	85'	25'	9' c, d	25'	35'
R2 Attached Single Family Dwelling		2,500	2,500/d.u.	85'	25'	0' to 9' c on non-party wall side	25'	35'
R3 3 to 8 Dwelling Unit		1,300 f	1,300/d.u.f,g	100'	30'	10'	25'	35'
R3 9 to 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	125'	30'	15'	25'	55'
Over 12 Dwelling Unit		1,300 f	1,300/d.u.f,g	150'	30'	15'	25'	55'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'
R4 Manuf. Homes		7,500	7,500	50'	25'	6'	15'	20'
Residential Garages		NA	5,000	50	25	9 e	25	24
Other allowable uses in residential Districts		7,500	7,500	75'	30'	9' c	25'	25'

a d.u. - dwelling unit

- b Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy. (Ord 06-31; Rev 1-25-07)
- c The required side yard will increase to ten (10) feet when the building is three (3) stories in height or more.
- d Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.
- e Not eligible for 10% side yard reduction. (Ord 13-09; Added 5-10-13)
- f Square footage requirements shall be calculated based on the number of bedrooms per dwelling unit. (Ord 14-11; Added 4-11-14)

Number of bedrooms/dwelling unit	Square footage of lot required/dwelling unit
1	1300
2	1700
3	2100
4	2500

- g. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)

2. Supplemental Provisions for Residential Uses.

- a. Non-farm residential structures must have frontage on a public street. Farm buildings and farm-related residential structures are excluded from all provisions.
- b. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards.
- c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- d. In areas directly adjacent to Lake Kampeska and Lake Pelican, the yard adjacent to the lakeshore shall be considered as the front yard, and shall maintain a minimum setback of thirty (30) feet. This yard will be measured from the established high water mark as set by the state. (Ord 06-31; Rev 01-25-07).
- e. The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side. Any existing residential structure which observes a front setback that is less than required, may, at the discretion of the Building Official, be expanded to the full width of the main building. (example: a front porch).
- f. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet. (E-545-1) (Ord 13-14; Rev 06-28-13)
- g. Existing legal nonconforming parcels, or lot(s) of record with a building right, may be developed with 1 or 2 family dwellings, regardless of minimum area, width & density requirements, if all other minimum requirements are met. (only single family dwellings allowed in R-1 District)
- h. R-2A zoning is not to be used to increase the density of development beyond what existed as of 1/1/05; further subdivision of lots in this zone is prohibited. (example: a single 100' lot may not be split into 2 - 50' lots, but a single 150' lot may be split into 2 - 75' lots)
- i. Single Family and Multi-Family dwellings shall have siding and roofing material of a type customarily used on site constructed residences (as approved by the Building Official.) (Ord 08-11; Rev 07-11-08)
- j. Decks shall observe the same setbacks as primary structures, see Table 21.1001.

21.1002: RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

[\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear
Structures greater than 200 square feet	18'	25'	9' a, c	9' b
Structures less than or equal to 200 square feet	12'	25'	4'	4'

- a See Section 21.1002 (2)(d).
- b See Section 21.1002 (3)(a).
- c Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

2. **General Provisions for Residential Accessory Uses**

- a. Accessory uses shall be permitted for the principal permitted uses and conditional uses only in accordance with the following provisions hereby adopted by reference and declared to be part of this ordinance.
- b. Only specifically authorized accessory uses are allowed. Accessory uses must be subordinate to principal use. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
- c. Location and coverage of accessory uses, building and structures. No accessory use, building or structure permitted by this ordinance may be located in a required front yard except by conditional use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback or as otherwise specified in this ordinance. (Ord 04-04; Rev 03-26-04)
- d. Accessory buildings, two hundred (200) square feet or greater, which are attached to or located within ten (10) feet of the main building shall be considered part of the main building and shall comply with the same yard requirements as the main building.
- e. Allowable number of accessory buildings.
 - (1) Lots less than or equal to 43,560 square feet in total area: One (1) unattached garage, one (1) attached garage, and one (1) storage structure (per dwelling unit).
 - (2) Lots greater than 43,560 square feet in total area: Up to two (2) unattached garages, one (1) attached garage, and one (1) storage structure (per dwelling unit)
- f. Residential dwelling prohibited in accessory buildings. No accessory building may be used for residential dwelling purposes at any time. No accessory building will be allowed to provide means for cooking or sleeping. (Ord 08-11; Rev 07-11-08)
- g. Structures shall not be located in or over any easement.
- h. All Conditional Uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustments. (Ord 08-11; Rev 07-11-08)

3. **Supplemental Provisions for Residential Accessory Structures greater than 200 Square Feet.**

- a. A garage permitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the alley line. A garage permitted after July 11, 2008 which is entered perpendicular to an alley shall not be located closer than twenty (20) feet to the

alley line. A garage which is entered parallel to an alley shall not be located closer the nine (9) feet to the alley line. (Ord 08-11; Rev 07-11-08)

b. Rear yards for homes located on lakefront property will be treated the same as an alley.

c. Attached Garage Standards.

(1) An attached garage shall be limited to three (3) garage doors/stalls per side or frontage, a width not to exceed forty two (42) feet, a depth not to exceed fifty six (56) feet, and shall conform to the design of the house.

(2) Attached garages to exceed maximum size or number of garage doors/stalls may be permitted at the discretion of the Building Official.

(3) In cases where attached garages are allowed to exceed the maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.

d. Unattached Garage.

(1) The cumulative size shall be limited based on total square foot area of a residential lot as follows:

(a) Up to 10,000 square feet:

Thirteen percent (13%) of lot area or 1,260 square feet, whichever is less

(b) 10,001 – 20,000 square feet:

Eight percent (8%) of lot area or 1,260 square feet, whichever is greater

(c) 20,001 – 43,560 square feet:

Five percent (5%) of lot area or 1,600 square feet, whichever is greater

(d) 43,561 – 87,119 square feet:

Four percent (4%) of lot area or 2,180 square feet, whichever is greater

(e) Over 87,120 square feet:

Three percent (3%) of lot area or 3,485 square feet, whichever is greater

(2) Limitations.

(a) An unattached garage shall be limited to maximum side wall height of ten feet two inches (10'2") (allows 116 5/8" precut studs); a maximum height of eighteen (18) feet to the peak, or conform to the design of the house. (Ord 14-26; Rev 08-15-14)

(b) Structures may be located in the required rear yard, but may not occupy more than thirty percent (30%) of the required rear yard. However, detached accessory buildings for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.

e. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.

f. Metal clad or vinyl covered canopies for permanent or temporary storage, with or without foundations are prohibited.

4. Supplemental Provisions for Residential Accessory Structures Less Than or Equal to 200 Square Feet.

a. All structures greater than one hundred (100) square feet must adhere to the same material requirements as garages.

b. Prefabricated structures one hundred (100) square feet or less may be constructed from metal, plastic, etc.

5. Supplemental Provisions for Allowable Miscellaneous Accessory Structures.

a. Permanent sports or recreational structures or facilities, such as tennis courts, swimming pools, barbecue pits and similar improvements, provided a site plan for such facility is approved.

b. Noncommercial greenhouses, provided that greenhouses over one hundred (100) square feet in floor area must have an approved site plan.

c. Microwave antennas only by special permit as set forth in Chapter 21.72.

- d. Boat houses may be permitted by conditional use on lots adjacent to the shores of Lake Kampeska and Lake Pelican. In reviewing applications for boat houses, the Board of Adjustment will consider the following factors:
 - (1) Size of lot, size of proposed boat house, and location on lot.
 - (2) Amount of blockage of lake view to adjacent lots.
 - (3) Potential erosion problems caused by construction.
 - (4) Topography and slope of lot.
 - (5) Other factors which the Board of Adjustment may deem appropriate.
- e. All uses customarily incidental to religious institutions, not to include commercial use.

Action: No Action – Discussion only
