

## **ARTICLE 6**

### ***Sections 6-101 to 109, inclusive. Local business district - general provisions.***

#### **Section 6-101. Legal boundary descriptions for the Local Business District.**

An un-platted parcel NW ½ SW ¼ of Section 5-109-75.

South 300' of Lot 1 in SW SW of Section 9-110-78 (Cattleman's Club).

Part of N ½ SE ¼ North of Highway 14 of Section 18-111-78 (Dell Acres Trailer Court).

Hunsley Outlot less Lots 1-6 and less Lot J in the SE ¼ lying South of Highway 14/83, Section 18-111-78.

The East 200' of the North 400' of the East 727.40' of Government Lot 1 in Section 4-111-79.

The East 414 feet of Lot T2 in SW ¼ NW ¼ of Section 16-111-79 (Tower Heights Addition).

S½ NW¼ NW¼ SE¼ of Section 31-112-79.

Lots A thru H of Gov't Lot 2 in Section 4-112-80.

Lighthouse Addition in Section 4-112-80.

Nystrom's Second Addition of Section 4-112-80, Block 1, 2 and 3 (Note: setbacks and permitted uses per One-Family Residential #2-C.).

The south 486.03' of Tract "A" of Section 16-112-80.

**Source:** Ord. No. 98-4, 1998; Ord. No. 98-6, 1998; Ord. No. 98-10, 1998; Ord. No. 98-13, 1998; Ord. No. 2005-1, 2005; Ord. No. 2007-2, 2007; Ord. No. 2009-01, 2009.

#### **Section 6-102. Statement of purpose for the Local Business District.**

To provide a wide range of retail and service establishments.

#### **Section 6-103. Principal permitted uses, except for uses excluded when located in Airport Noise Zone A.**

Retail and service stores of the following types:

1. New and used automobile, truck, tractor, construction equipment, boat, trailer, and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage,

or the major parts thereof. Automotive repair, except heavy truck equipment work.

2. Bowling alley, trampoline or rebound equipment center, miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
3. Buildings other than heavy storage and maintenance shops for municipal or governmental purposes.
4. Business and commercial schools.
5. Clinics for people only.
6. Combination display store, office and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
7. Convenience store
8. Feed and seed store.
9. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises.
10. Furniture and antique homes and stores including used furniture store.
11. Gasoline service stations and garages for the storage of automobiles, including major repair, body and fender work or painting.
12. Garden supplies including nursery stock.
13. Greenhouses, commercial; nursery stock sales yards.
14. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
15. Motel, hotel.
16. Office buildings.
17. Railroad through and spur tracks, but no siding or other terminal type facilities and no service, repair or administrative facilities.
18. Real estate sales office.
19. Shoe repair shop.
20. Steakhouse, cocktail lounge.

21. Television, radio and small appliance repair.
22. Utility substations necessary to the functioning of the utility but not including maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwelling and having a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this district and shall be of such exterior design as to harmonize with nearby properties.
23. Reserved.
24. Historical sites.
25. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers in conformance with Section 2-103.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-04, 2009.

#### **Section 6-104. Accessory uses.**

The following accessory uses are permitted, subject to further restrictions or liberalization's, which are imposed by a specific district.

1. Reserved.
2. Reserved.
3. Reserved.
4. Other accessories normally appurtenant to uses permitted in this district.

**Source:** Ord. No. 2009-04, 2009.

#### **Section 6-105. Conditional uses.**

1. The Board of Adjustment may allow other light retail and service establishments which are similar to the above listed principal permitted uses.
2. Multiple Family Dwellings.
3. Caretaker residence if justified by a history of loss at site or safety concerns.
4. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers.
5. Small Wind Energy Conversion Systems compliant with Section 2-117.E.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-14, 2009.

**Section 6-106. Certain uses declared incompatible and excluded.**

The following uses are hereby declared incompatible with the purpose of the local business district and are hereby expressly excluded:

1. Drive-in theaters.
2. Warehouses.
3. Petroleum bulk storage plants.
4. Residential uses except those classified as caretaker.

**Section 6-107. Certain uses lying in Airport Noise Zones declared incompatible and excluded.**

Airport noise zone A is a relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of airport noise zone A and are hereby expressly excluded for any part of this district located airport noise zone A:

1. All residential dwellings
2. Churches, schools, colleges, rest homes, retirement homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes, and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport noise zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of noise zone B is to notify the general public that such an area is in the established airport noise zones and as such may be subjected to noise pollution.

## **Section 6-108. Space limitations.**

### ***Building Height***

No building shall exceed seventy-five (75) feet.

### ***Required Lot Area***

Not less than 1 acre.

### ***Exceptions:***

1. Uses not requiring sewage and waste disposal systems shall have an area of not less than (10,000) ten thousand sq. ft.
2. Some permitted uses may be required to have a larger amount of land under State of South Dakota regulations governing sewage and waste disposal systems.

### ***Percentage of Lot coverage***

All buildings including accessory buildings shall not cover more than eight (80) percent of the area of the lot. Multiple family buildings and accessory uses shall not cover more than fifty (50) percent of the area of the lot.

### ***Yards required***

Each lot shall have front, side and rear yards of not less than the depth or widths following:

1. Front yard depth - forty (40) feet.
2. Rear yard depth - twenty (20) feet.
3. Side yard width - twenty (20) feet, except on corner lots on which the side set back shall be not less than forty (40) feet unless approved by the Board of Adjustment.
4. Minimum setback from the right-of-way of State Highways No. 34, 1804, 14 and 83 shall be fifty (50) feet.
5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

**Source:** Ord. No. 2009-01, 2009.

## **Section 6-109. Requirements for selected uses.**

1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise specified herein.
2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
3. Automobile repair shops and filling stations shall be subject to the following provisions:
  - a. No repair work is performed out-of-doors.
  - b. Pumps, lubricating or other devices shall be at least twenty (20) feet from any street line.
  - c. All gasoline, liquefied petroleum gas, fuel, oil or similar substances, that are for resale may be stored underground or above ground provided state and federal requirements are met.
  - d. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
4. Reserved.

**Source:** Ord. No. 2009-04, 2009.

***Section 6-110 to 6-199, inclusive. Reserved.***