

## **CHAPTER 13 – DESIGNATING LEGAL BOUNDARIES**

### **ARTICLE 7 - INDUSTRIAL DISTRICTS**

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**Sections 13-7-101 to 110, inclusive. Light Industrial District - general provisions.**

**Section 13-7-101 Legal boundary descriptions for the Light Industrial District.**

SE 1/4, SE 1/4 Section 22-111-79 South of U.S. Highway 14 & 83.

SW 1/4, SW 1/4, Section 23-111-79 South of U.S. Highway 14 and 83.

W 1/2, E 1/2, SW 1/4, Section 23-111-79, South of U.S. Highway 14 and 83.

SE ¼ of Section 23-111-79 excluding W. 900' all lying south of Highway Right-of-Way.

An area beginning at the northeast corner of Lot 12 in Section 2-110-79; thence west along the north line of Lots 11 and 12 (located in Section 2-110-79) extended to the north-south centerline of Section 2-110-79; thence south along the north-south centerline of Section 2-110-79 to the north line of Lot 1 of Outlot A extended located in Section 2-110-79; thence east along the north line of Lot 1 of Outlot A extended and the north line of Lot 1 of Outlot A to the east line of Lot 1 of Outlot A located in Section 2-110-79; thence south along the east line of Lot 1 of Outlot A located in Section 2-110-79 147.4 feet; thence east 105.4 feet; thence south 50 feet; thence east 319.2 feet to the east line of Lot 3 of Outlot A located in Section 2-110-79; thence south along the east line of Lot 3 of Outlot A located in

Section 2-110-79 to the northerly right of way line of State Highway 34; thence easterly along the northerly right of way line of State Highway 34 to the east line of Section 11-110-79; thence north along the east line of Section 11-110-79 and Section 2-110-79 to the north of Lot 13 located in Section 2-110-79; thence west along the north line of said Lot 13 to the east line of Lot 12 located in Section 2-110-79; thence north along said east line of Lot 12 to the place of beginning.

The NW 1/4 of the SE 1/4 except the east 220 feet of the north 415 feet of said NW 1/4 of the SE 1/4 of Section 2-110-79.

The SW 1/4 of the NE 1/4 of Section 2-110-79.

Lots 1A-1E of Lot 1 of Metzinger's 1<sup>st</sup> Addition in the N ½ N ½ of Section 12-110-79.

Tyler Outlot 1 in Section 12-110-79.

**Source:** Ord. No. 1201, 1987; Ord. 1406, 1997; Ord. 1479, 2000; Ord. No. 1503, 2001.

**Section 13-7-102 Statement of purpose for the Light Industrial District.**

To provide for a number of light manufacturing, light processing, warehousing and service uses, which are compatible to adjoining districts and which shall be able to meet comparatively rigid specifications as to nuisance free performance..

**Section 13-7-103 Principal permitted uses, except for uses excluded when located in Airport Noise Zone A.**

The following principal uses and structures shall be permitted in the Light Industrial District:

1. Assembly and packaging
2. Automobile/heavy truck, equipment sales and service
3. Building material sales
4. Contractor shop and storage yard (less than 20,000 sq. ft.)
5. Feed and seed store
6. Freight handling
7. Light manufacturing or processing
8. Office

9. Parking facility or lot
10. Printing or publishing
11. Public transportation facility
12. Public utility facility
13. Railroad tracks and facilities
14. Storage and warehousing
15. Truckstop
16. Veterinary
17. Wholesale trade
18. Other light industrial uses approved by the Planning Commission, except those uses enumerated in another district.

**Source:** Ord. No. 1105, 1983; Ord. 1283, 1991; Ord. 1443, 1999.

**Section 13-7-104 Certain uses declared incompatible and excluded.**

The following uses are hereby declared incompatible with the purpose of the Light Industrial District and are hereby expressly excluded:

1. All dwellings
2. Aluminum can processing
3. Drive-in theaters
4. Mobile home parks
5. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.
6. Public, parochial and private schools and colleges, except trade schools
7. Cannabis establishments.
8. Any use not enumerated as permitted in this district but which is specifically provided for in another district or districts.

**Source:** Ord. No. 1105, 1983; Ord. 1283, 1991; Ord. 1443, 1999; Ord. 1835, 2021

**Section 13-7-105 Certain uses lying in Airport Noise Zone 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 in airport noise zone A:

1. All residential dwellings.
2. Auditoriums, concert hall, music shells, and outdoor theaters.
3. 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 uses 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, 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 13-7-106 Accessory uses.**

Accessory buildings and uses customarily incidental to any of the permitted uses in the district and provided that such use shall conform to all performance standards set forth for this district.

**Source:** Ord. 1443, 1999.

**Section 13-7-107 Conditional uses.**

1. Concrete ready mix plant
2. Daycare facility
3. Implement sales & service
4. Recycling facility
5. Retail or service store
6. Temporary recreational use

**Source:** Ord. 1443, 1999.

**Section 13-7-108 Performance standards.**

1. Physical Appearance

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open.

Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the open storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

Temporary recreational uses approved as a conditional use shall not involve any appreciable amount of fixed construction and shall not interfere with the efficient functioning of the district for its primary purpose of providing for light industrial uses.

2. Fire Hazard

No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, and welding gases when handled in accordance with other ordinances of the city.

3. Noise

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the

property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdown into a reasonable number for frequency changes. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.

#### 4. Sewage and Liquid Waste

No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

#### 5. Air Contaminants

Air contaminants and smoke shall be less dark than designated number one on the Ringleman chart as published by the United States Bureau of Mines, except that smoke of a density designated as number one (1) shall be permitted for one 4 minute period in each one-half hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hours, at which time it may equal but not exceed six-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any source whatsoever, such quantities of air contaminants or other material in such quantity as to cause injury detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

#### 6. Odor

The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

#### 7. Gases

The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million. All nitrous fumes shall not exceed one part per million. Measurements shall be taken at the zoning lot line.

## 8. Vibration

All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this district.

## 9. Glare and Heat

All glare such as welding arcs and open furnaces shall be shielded so that they are not visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

**Source:** Ord. 1443, 1999.

### **Section 13-7-109 Space limitations.**

#### **Building Height Limit**

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

#### **Required Lot Area**

Not less than 1 acre. Exceptions: 1) Uses not requiring sewage and waste disposal systems shall have an area not less than ten thousand sq. ft. and 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**

Entire lot may be covered except as hereinafter otherwise specified.

#### **Yard Required**

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

1. Front Yard Depth - thirty (30) feet.
2. Rear Yard Depth - none required but has to comply with loading zone requirement.
3. Side Yard Width - none required, except on corner lots on which the side setback shall be not less than thirty (30) feet unless approved by the Board of Adjustment.

**Source:** Ord. No. 1292, 1992.

**Section 13-7-110 Requirements for selected uses.**

1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise specified herein. All drive-in type restaurants shall provide adequate off-street space for the maneuvering and parking of patrons' vehicles and there shall be a sturdy, close-woven or solid fence suitable for the retaining of discarded paper or other materials on all sides of the parking area except the entrance.
2. 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.
  - c) All gasoline, liquefied petroleum gas, fuel, oil or similar substances, that are for resale shall be stored underground.
3. Transmission towers are limited to 35 feet high.

**Source:** Ord. 1443, 1999.

**Section 13-7-111 to 199, inclusive. Reserved**

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**Sections 13-7-201 to 209, inclusive. Heavy Industrial district - general provisions.**

**Section 13-7-201 Legal boundary descriptions for the Heavy Industrial District.  
Reserved.**

**Section 13-7-202 Statement of purpose for the Heavy Industrial District.**

This district provides for the widest range of industrial operations permitted in the district for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

**Section 13-7-203 Principal permitted uses.**

Any use which can meet the performance standards for this district, except as herein modified.

The following uses shall be allowed in this district:

1. Trucking terminals containing in excess of 4 loading or transfer bays.
2. The storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature when stored for resale.
3. Meat packing, slaughtering, eviscerating and skinning.
4. Poultry killing, plucking and dressing.
5. Rendering of by-products or slaughtering and killing of animals or poultry.
6. Yards for the sale, transfer and temporary holding of livestock.
7. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in an enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the zoning administrator. Fencing must also comply with State of South Dakota and Federal Standards.
8. Billboards.

**Source:** Ord. No. 1105, 1983.

**Section 13-7-204 Certain uses declared incompatible and excluded.**

The following uses are hereby declared incompatible with the purpose of the Heavy Industrial District and are hereby expressly excluded:

1. Any use which cannot meet the performance standards set forth herein.
2. All dwellings and other types of living accommodations shall be prohibited save quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use.
3. Schools and colleges, except trade schools.
4. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
5. Hotels, motel and mobile home parks.
6. Cannabis establishments.

**Source:** Ord. No. 1835, 2021

**Section 13-7-205 Accessory uses.**

Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this district.

**Section 13-7-206 Conditional uses.**

Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the district for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the Board of Adjustment.

**Section 13-7-207 Performance standards.**

1. Appearance

Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets and from adjacent properties by means of a sturdy, sight obscuring fence in good repair. Fencing must also comply with State of South Dakota and Federal Standards.

2. Fire Hazard

All flammable substances involved in any activity established in this district shall be handled in conformance with the standards of the National Board of Fire Underwriters, National Fire Protection Association, and any additional regulations of the City of Pierre and Hughes County.

3. Noise

All noise and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic on a major street when observed from any area zoned residential. Mayor street noise from comparison purposes shall be measured on the primary state highway nearest the industry.

4. Sewage and Liquid Wastes

No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations. Any liquid wastes which create heavy loading on the city treatment plant will be subject to treatment by the owner, before being discharged into the city sewer system or by other agreement with the city commission.

## 5. Air Contaminants

Air contaminants and smoke shall be less dark than designated number 2 on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as number 2 shall be permitted for one 4 minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

## 6. Odor

Odor causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

## 7. Gases

All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 5 parts per million. All measurements shall be made at the zoning lot line.

## 8. Vibration

All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby zoning lots.

### **Section 13-7-208 Space limitations.**

#### **Building Height Limit**

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

## **Required Lot Area**

Not less than 1 acre. 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**

Entire lot may be covered except as hereinafter otherwise specified.

## **Yard Required**

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

1. Front Yard Depth - thirty (30) feet.
2. Rear Yard Depth - none required but has to comply with loading zone requirement.
3. Side Yard Width - none required, except on corner lots on which the side setback shall be not less than thirty (30) feet unless approved by the Board of Adjustment.

## **Section 13-7-209 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. 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 shall be stored underground.
  - d) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
3. All on-site advertising signs which are not attached to or made part of a commercial structure shall be located on the zoning lot in such a manner that no portion of the sign shall overhang street right-of-way or adjoining property. All signs attached to a building or structure shall be 3 feet behind the curb and 8 feet above the sidewalk.
4. All drive-in type restaurants shall provide adequate off-street space for the maneuvering and parking of patrons; vehicles and there shall be a sturdy, close-woven or solid fence suitable for

the retaining of discarded paper or other materials on all sides of the parking area except the entrance.

**Section 13-7-210 to 299, inclusive. Reserved**

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**Sections 13-7-301 to 306, inclusive. Industrial park district - general provisions.**

**Section 13-7-301 Legal boundary descriptions for the industrial park district. Reserved.**

**Section 13-7-302 Statement of purpose for the industrial park district.**

This district provides for a limited range of commercial and industrial uses.

**Section 13-7-303 Principal permitted uses.**

Any use which can meet the performance standards of this district.

Wholesaling, manufacturing, jobbing, warehousing, or business of a similar nature subject to the regulations as hereinafter specified.

**Section 13-7-304 Certain uses declared incompatible and excluded.**

The following uses are declared incompatible with the Industrial Park District and are hereby expressly excluded:

1. Any use which cannot meet the performance standards set forth herein.
2. All dwellings and other types of living accommodations shall be prohibited save that quarters for a watchman or caretaker shall be permitted as an accessory for any permitted use.
3. Billboards.
4. Cannabis establishments.

**Source:** Ord. No. 1835, 2021

**Section 13-7-305 Performance standards and requirements for selected uses.**

1. Any use which may be or may become a nuisance or annoyance by reason of excessive emission of noise, smoke, fumes, odors, vibrations, glare, or similar substances and conditions or by reason of unsightliness shall be prohibited. Standardized measurements taken by standardized methods and equipment shall be used as proof of non-compliance and the cost of said measurements shall be borne by the occupant.
2. The storage of all materials and equipment used in connection with the development shall be enclosed within buildings or substantial fences.
3. No building or premises shall be used, erected, or altered until and unless a permit for the contemplated development has been secured from the commission. there shall have been filed with the commission a written application for said permit. Said applications shall include the following information:
  - a) The location of present and proposed buildings, parking lots, driveways, and other necessary facilities indicated on a plot plan.
    - b) Preliminary architectural plans for the proposed building, or buildings.
  - c) A written description indicating the effects of the industrial operations in producing problems of glare, noise, odor, sewerage, fire hazards, air pollution, or water pollution, or of excessive traffic congestion, or other factors detrimental to the safety, health, and welfare of the area.
  - d) Any other information the commission may deem as necessary to adequately consider the cost of providing municipal services to the area and the effect the proposed uses may have upon the surrounding properties.

### **Section 13-7-306 Space limitations.**

#### **Building Height Limit**

No building shall exceed two and one-half (2 1/2) stories, or forty-five (45) feet in height.

#### **Required Lot Area**

Individual building sites shall be of such size that the requirements of this chapter are satisfied and be of such size that the development will have architectural unity.

Industrial park districts shall have a minimum area of at least twenty (20) acres.

#### **Percentage of Lot Coverage**

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

## **Yards Required**

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

1. Front yard depth - sixty (60) feet. Required front yard shall be landscaped and maintained to provide an attractive setting for the building.
2. Rear yard depth - fifteen (15) feet. Where the rear yard abuts a lot in a residential district said rear lot depth shall be thirty (30) feet. Required rear yards shall be planned and maintained to provide a slightly and well-kept condition.
3. Side yard width - ten (10) feet. Where the side yard abuts a lot in a residential district said yard shall be thirty (30) feet. Required side yards shall be planted and maintained to provide a slightly and well-kept condition.

**Section 13-7-307 to 399, inclusive. Reserved**