

## **ARTICLE 7**

### ***Section 7-101 to 7-110, inclusive. Industrial district - general provisions.***

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

Lot 1 of Hunsley's Outlot in the SE  $\frac{1}{4}$  of Section 18-111-78.

N $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31-112-79.

Lot 1 of Outlot 1 in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 4-112-80.

Lot 2 of Outlot 1 in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 4-112-80.

Lot C located in that part of SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , lying west of Lot A, north of Lot B (Walleye Drive), and south of Central Street extended in Section 4-112-80.

**Source:** Ord. No. 98-4, 1998; Ord. No. 99-14, 1999; Ord. No. 2007-6, 2007; Ord. No. 2009-01, 2009; Ord. 2009-17, 2009.

#### **Section 7-102. Statement of purpose for the 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 7-103. 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. Railroad through and spur tracks, sidings, other terminal type facilities.
6. Rendering of by-products or slaughtering and killing of animals or poultry.
7. Yards for the sale, transfer and temporary holding of livestock.

8. 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.
9. Reserved.
10. Warehouses, mini-storage.
11. Historical sites.
12. 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 7-104. Accessory uses.**

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

#### **Section 7-105. Conditional uses.**

The following uses are permitted in the Industrial District after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county.

1. 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.
2. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers.
3. 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 7-106. Certain uses declared incompatible and excluded.**

The following uses are hereby declared incompatible with the purpose of the 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 if justified by a history of loss at site or community safety concerns.
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.

**Source:** Ord. No. 2007-08, 2007.

**Section 7-107.** Reserved.

**Section 7-108. 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 of not less than ten thousand (10,000) 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***

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 - forty (40) feet.

2. Rear Yard Depth - twenty-five (25) feet.
3. Side Yard Width - twenty-five (25) feet, except on corner lots on which the side setback 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 Highway 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 7-109. 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 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 for 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.

#### **5. *Air Contaminants***

Air contaminants and smoke shall be less dark than designated number 2 on the Ringelman 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 sulfur dioxide and hydrogen sulfide 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 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.
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 may be stored underground or above ground provided all state and federal requirements be met.
  - d. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
3. Reserved.

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

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

*Sections 7-201 to 7-209, inclusive. Industrial Park District - general provisions.*

**Section 7-201. Legal boundary descriptions for the Industrial Park District.**

Reserved.

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

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

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

The following uses are permitted as the principal use of any parcel of property in the Industrial Park District, except for uses excluded when located in Airport Noise Zone A.

1. Any use which can meet the performance standards of this district.
2. Wholesaling, manufacturing, jobbing, warehousing, or business of a similar nature subject to the regulations as hereinafter specified.
3. Historical sites.
4. 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.

**Section 7-204.** Reserved.

**Section 7-205. Conditional Uses.**

The following uses are permitted in the Industrial Park District after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county.

1. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers.

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

**Section 7-206. 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 if justified by a history of loss at site or community safety concerns.
3. Reserved.

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

**Section 7-207.** Reserved.

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

***Building Height Limit***

No building shall exceed two and one-half (2 ½) 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 - thirty (30) feet. Where the rear yard abuts a lot in a residential district said rear lot depth shall be fifty (50) feet. Required rear yards shall be planted and maintained to provide a sightly 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 fifty (50) feet. Required side yards shall be planted and maintained to provide a sightly and well-kept condition.
4. 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 7-209. 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 7-210 to 7-299, inclusive. Reserved.***