

CHAPTER 12 – PLANNING & ZONING

ARTICLE 6 - BUSINESS DISTRICT

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Sections 12-6-101 to 199, inclusive. Central business district - general provisions.

Section 12-6-101 Legal boundary descriptions of central business district.

Lots 1 through 6, and Lots 19 through 36, all inclusive, Block 4, Original Plat.

Blocks 5 thru 10, both inclusive, Original Plat.

Lots 1-7, both inclusive, Mooney and Moorer's Subdivision of Lots 1-4, both inclusive, Block 11, Original Plat.

Lots 25 to 37, both inclusive, Block 11, Original Plat.

Lots 29 through 37, both inclusive, Block 11, Original Plat.

Blocks 1 and 2, Second Railway Addition.

Blocks 55 and 56, Fifth Railway Addition.

Lots 8 to 14, both inclusive, Block 70, Fifth Railway Addition.

Blocks 71 through 74, inclusive, Fifth Railway Addition.

Blocks 1 to 4, both inclusive, First Railway Addition.

Lots 8 and 9, Block 5, First Railway Addition.

Lots 9 to 16, both inclusive, Block 6, First Railway Addition.

Lots 5 to 8, both inclusive, Block 7, First Railway Addition.

Lots 1-6, Block 8 and all of Block 9, Third Railway Addition

Lots 6 to 17, both inclusive, Block 19, Fourth Railway Addition.

Lots 1 through 4, Block 7, First Railway Addition.

An area beginning at the intersection of the northerly line of Sioux Avenue with the westerly line of Samco Addition; thence northerly along the westerly line of Samco Addition extended to the southerly line of Paul J. McCann Addition; thence easterly along the southerly line of Paul J. McCann Addition to the westerly line of Central Avenue; thence northerly along the westerly line of Central Avenue to the centerline of Pleasant Drive; thence easterly along the center line of Pleasant Drive to the center line of Highland Avenue; thence southerly along the center line of Highland Avenue to the

northerly line of Sioux Avenue thence westerly along the northerly line of Sioux Avenue to the place of beginning.

Amended by Ord. No. 882, 1973; 1206, 1987; Ord. No. 1331, 1993; Ord. 1391, 1996; Ord. No. 1553, 2004; Ord. No. 1554, 2004; Ord. No. 1656, 2009; Ord. No. 1765, 2016.

Section 12-6-102 Statement of Purpose for the Central Business District.

To provide a commercial area for those establishments serving the general shopping needs of the trade area, and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of trade, service, governmental and cultural activities, and to provide neighborhood commercial convenience areas.

Source: Ord. 1437, 1999.

Section 12-6-103 Principal permitted uses.

The following principal uses and structures shall be permitted in the Central Business District:

1. Financial institution
2. Hotel/Motel
3. Municipal or government buildings
4. Office
5. Parking facility or lot
6. Personal and health service store
7. Public transportation facility
8. Public utility facility
9. Railroad thru and spur tracks
10. Retail or service store
11. Other light retail and service establishments approved by the Planning Commission, except those uses enumerated in another district.

Source: Ord. 1437, 1999.

Section 12-6-104 Certain uses declared incompatible and excluded.

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

1. Drive-in theaters.
2. Warehouses.
3. Petroleum bulk storage plants.
4. Mobile home parks.
5. One and Two-family dwellings.

Source: Ord. 1437, 1999.

Section 12-6-105 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. 1437, 1999.

Section 12-6-106 Conditional uses.

1. Assembly and packaging
2. Automobile sales, service, & storage
3. Daycare Facility
4. Gas Dispensing Station
5. Mixed business/residential use
6. Multiple family dwellings
7. Mini-storage facility (4,000 sq. ft. or less)

Source: Ord. 1437, 1999.

Section 12-6-107 Space limitations.

Building Height Limit

No building shall exceed seventy-five (75) feet in height; provided further that no building shall exceed fifty (50) feet in height in the southerly one-half of Block 19, Fourth Railway Addition in the City of Pierre, Hughes County, South Dakota.

Required Lot Area

When the lot is not used for multiple family purposes there is no required lot area.

Percentage of Lot Coverage

When the lot is not used for multiple family purposes the entire lot may be covered, except as hereinafter otherwise specified.

Yards Required

When the lot is not used for multiple family purposes no yards are required except as hereinafter otherwise specified.

Amended by Ord. No. 1093, 1982; Ord. 1437, 1999.

Section 12-6-108 Performance standards.

1. Multiple family dwellings granted a conditional use permit shall comply with all regulations of the multiple family district. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. Conditional uses shall be in conformity with their respective districts.
2. 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.
3. Automobile repair shops and gas dispensing stations granted a conditional use permit shall be subject to the following provisions.
 - a. No repair work is performed out-of-doors.
 - b. Pumps, lubrication 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.

4. Mixed business/residential uses granted a conditional use permit shall not include the construction of a business building in the yard of a residence or within an existing residence.

5. Transmission towers are limited to 35 feet high.

Source: Ord. 1437, 1999.

Sections 12-6-109 to 199, inclusive. Reserved.

Sections 12-6-201 to 299, inclusive. Local business district - general provisions.

Section 12-6-201 Legal boundary descriptions for the local business district.

An area beginning at the intersection of the northerly line of Sioux Avenue with the westerly line of Samco Addition; thence northerly along the westerly line of Samco Addition extended to the main line of the D M & E Railroad; thence northwesterly along the main line of the D M & E Railroad to a point where the said main line intersects the west line of the NE 1/4 of the SW 1/4 of Section 32-111-79; thence south along the said west line of the said NE 1/4 of the SW 1/4 to the intersection of the said line with the northerly line of Dakota Avenue extended; thence southeasterly along the said northerly line of Dakota Avenue extended to the northerly line of Sioux Avenue; thence easterly along the northerly line of Sioux Avenue to the place of beginning.

Lots 1 to 6, both inclusive, Block 1, Original Plat.

Lots 31 to 36, both inclusive, Block 1, Original Plat.

Lots 1 to 6, both inclusive, and Lots 29 to 36, both inclusive, Block 2, Original Plat.

Lots 7-10, both inclusive, Block 2, Original Plat.

Lots 1 to 6, both inclusive, and Lots 33 to 36, both inclusive, Block 3, Original Plat.

Palmer and Scott Addition.

Foster-Bell Addition.

Gordon Bell First Addition.

Franklin Hyde Addition

Midwest Financial Subdivision

Blocks 51 through 54, and 57 through 59, inclusive, Fifth Railway Addition

Lots 18 to 21, both inclusive, Block 75, Fifth Railway Addition.

Lots 1 to 14, both inclusive, Block 63, Fifth Railway Addition.

Lots 1 to 14, both inclusive, Block 64, Fifth Railway Addition.

Lots 11-15, Block 89, Wells Second Addition.

An area beginning at a point where the main line of the D M & E Railroad intersects with the center line of Highland Avenue; thence easterly along said main line to westerly line of Washington Avenue; thence southerly along the westerly line of Washington Avenue and westerly along the northerly line of Sioux Avenue to the center line of Highland Avenue; thence northerly along the center line of Highland Avenue to place of beginning.

Block 1 and Blocks 8 through 11, inclusive, Euclid Avenue Addition

Block 13, Euclid Avenue Addition lying south of U.S. Highway 14 & 83.

Block 14, Euclid Avenue Addition, lying north of U.S. Highway 14 and 83.

Block 14, Euclid Avenue Addition, lying south of U.S. Highway 14 and 83.

Block 15, Euclid Avenue Addition, lying north of U.S. Highway 14 and 83.

Block 16, Euclid Avenue Addition.

Block 21, Euclid Avenue Addition north of Highway 14.

Block 22, Euclid Avenue Addition, north of Highway 14.

E 1/2 Lots 6 through 15, Block 22, Euclid Avenue Addition, lying south of U.S. Highway 14 and 83.

Lots 1 through 19, inclusive, Block 23, Euclid Avenue Addition.

Lots 31 through 48, Block 23, Euclid Avenue Addition, lying south of U.S. Highway 14 and 83.

Lots 44 through 48, Block 24, Euclid Avenue Addition.

W 1/2 Lots 42 and 43, Block 24, Euclid Avenue Addition.

Block 3, 6, 11 and 14, Greeley and Sharps Addition.

Block 12, Greeley and Sharps Addition.

Lots 1 to 11, both inclusive, Block 13, Greeley and Sharps Addition.

Blocks 5, 8 and 11, Central Addition.

Lots 2 thru 7, both inclusive, Block 2, Central Addition.

Lot 22, Block 2, Evans Addition.

Lots 6, 12 and 13, Block 3, Evans Addition.

Lots 12 to 22, both inclusive, Block 4, Central Addition.

Lots 17 to 27, both inclusive, Block 9, Central Addition.

Lots 17 to 28, both inclusive, Block 10, Central Addition.

Lots 1 thru 4 both inclusive, Speckers Re-subdivision of part of Block 8 of Wright and Templeton Addition and part of Billingham Outlot.

Block 9, Wright and Templeton Addition.

Blocks 11 through 13, Wright and Templeton Addition.

Blocks 16 through 19, Wright and Templeton Addition.

Blocks 73 through 75, inclusive, Wells Second Addition.

Lot BB-1

Blocks 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, and 27 all in Park Addition.

Beginning at a point on the center of Erskine Street extended and 310 feet west of the westerly line of the Highway Truck Route right-of-way; thence due north 419.5 feet; thence west 30 feet; thence northerly to a point on the south line of Capitol Avenue and 264 feet west from the westerly line of the Highway Truck Route right-of-way; thence east 264 feet to the westerly line of the Highway Truck Route right-of-way; thence northerly to the northeast corner of Lot 17, Block 1, Resubdivision of Block 6, Riverview Park Addition; thence southwest along the northerly line of said Lot 17 to the centerline of Spruce Street; thence westerly along the centerline of Spruce Street to the westerly line of lot 21, Block 5, Riverview Park Addition; thence north to the south line of Section 34-111-79 and 291.9 feet west of the westerly right-of-way line of Highway 14-83 Truck Route; thence east 291.9 feet to the westerly right-of-way line of Highway 14-83 Truck Route; thence northerly along the westerly right-of-way line of Highway 14-83 Truck Route 288.83 feet to the south line of Block 3, Ramse Addition; thence west along said south line of Block 3, Ramse

Addition 302.43 feet to the east line of Block 2, Ramse Addition; thence north along said east line of Block 2, Ramse Addition 470.28 feet to the north line of Block 2, Ramse Addition; thence west along the north line of Block 2, Ramse Addition 270 feet to the N-S centerline of Section 34-111-79; thence north along the N-S centerline of Section 34-111-79 to the north line of Section 34-111-79; thence east along the north line of Section 34-111-79 to the centerline of Highway 14-83 Truck Route right-of-way thence southerly along the centerline of said Highway right-of-way to the north line of Lariat Second Addition extended; thence east along the north line of Lariat Second Addition to the east line of Lariat Addition extended; thence south along the east line of Lariat Addition extended to the south line of the NE ¼ NE ¼ of Section 3-110-79; thence west along the said line to the centerline of Arthur Avenue extended; thence south along the centerline of Arthur Avenue extended to the centerline of Erskine Street extended; thence west along the centerline of Erskine Street to place of beginning.

Lots 5 through 34, Sigler's Subdivision.

Block 9, Harmony Hills Addition.

Lot 1, Block 1, Irene's Addition.

Outlot C of Lot H-1 in NE 1/4 of 3-110-79.

Blocks 1 through 4, inclusive, Llewellyn Heights Addition.

An area commencing at the northwesterly corner of Lot 1, Ken Korkow Addition; thence easterly along the northerly line of Ken Korkow Addition to the westerly line of Washington Avenue; thence southerly along the westerly line of Washington Avenue to the centerline of the main line of the D M & E Railroad; thence northwesterly along the centerline of the main line of the D M & E Railroad to the westerly line of Lot 1, Ken Korkow Addition extended; thence northwesterly along the westerly line of Lot 1, Ken Korkow Addition extended to the place of beginning.

NE 1/4 of the NE 1/4 of the NE 1/4 of Section 34-111-79.

Block 7, Capitol Syndicate Addition north of Highway 14 and 83 Right of Way.

Lots 6 and 8, Hillview Subdivision

Blocks 2 and 15 east of Highway right-of-way and Blocks 3 to 14, Highland Park Addition.

Lots 4 through 19, Block 5, Greeley and Sharps Addition

Lots 1 to 5, Block 20, Wright and Templeton Addition; Lots 3 to 6, Block 1, Irene Addition; Lots 1 to 10 of Outlot A and Lots 1 to 10 of Outlot B of Replat of Outlots A, B and C of Lot H1, NE 1/4, Section 3-110-79; Blocks 1 to 4, Boes Subdivision of Blocks 2, 3, 4, 13, 14 and 15, Park Addition; and Block 1 and 2, Boes Second Subdivision, a part of Blocks 18 to 20, Park Addition.

Southgate Addition lying west of Lot H-1 (Highway 14 & 83 Truck Bypass) and north of Lot H-1 (Fourth Street) in Section 27-111-79.

E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of Lot H-1 in Section 27-111-79.

Lots 1-14, Carla Burke Addition, Section 4-110-79.

Lots 1-7 of the Cory Korkow Addition, Section 4-110-79.

Lots 1-3 of the Okota Addition, Section 4-110-79.

Lot A-1 of the Larry Iverson Addition, Section 3-110-79.

Lots 21-28 of the Kacy Korkow Addition, Section 3-110-79.

Lots 10-39, Block 1, and all of Block 2, New York City Addition

N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34-111-79

N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ less the Stanton Addition lying East of the Highway Right-of-Way, Section 34-111-79.

Lots 1 to 14, inclusive, Rock Ridge Subdivision.

Block 25, Euclid Avenue Addition.

Lots 1 through 41, Block 24, Euclid Avenue Addition.

E $\frac{1}{2}$ Lots 42 and 43, Block 24, Euclid Avenue Addition.

Lots 20 through 30, Block 23, Euclid Avenue Addition.

Lots 16 through 36, Block 22, Euclid Avenue Addition lying south of U.S. Highway 14 and 83.

W $\frac{1}{2}$ Lots 8 through 15, Block 22, Euclid Avenue Addition lying south of U.S. Highway 14 and 83.

Block 21, Euclid Avenue Addition lying south of U.S. Highway 14 and 83.

Lot C1 in Section 28-111-79.

Lots 1-5, 10, 11 & Lot 17, B&E Addition.

Lots 1-6, Block 62, Fifth Railway Addition.

Lots 1-10, Block 84, Wells Second Addition.

Lots 11R, 12R, 13R & Lot 17, B&E Addition

Lots 18-21, Block 5, Riverview Park Addition.

Pierre Acreage & Outlots N ½ SE SE East of Highway Section 27-111-79 less Lots AR1, AR2 and AR3 and Pierre Acreage & Outlots that Part of N ½ SE East of Highway in Section 27-111-79.

Lot 1, O'Reilly Addition.

An area beginning at the intersection of the center line of Garfield Avenue and the northeast corner of Lot 1, Gardella Addition in Section 27-111-79; then north along the center line of Garfield Avenue to the intersection of the centerline of Highway 14 & 83 to the center line of Section 27-111-79; then south along the center line of Section 27-111-79 to Lot 2, Meadow Addition; then southwest along the west line of Lot 2, Meadow Addition to the south line of Lot 2, Meadow Addition; then west along the south line of Lot 2, Meadow Addition to the place of beginning. (This includes Lots 1-3, Meadow Addition, Section 27-111-79.)

Pierre Acreage & Outlots S ½ SW SE SE lying E. of Lot H-1 & N. of Lot H-2 & S ½ SE SE SE lying N. of Lot H-1 except the East 883' Section 27-111-79.

Amended by Ord. No. 864, 1972, Ord. No. 872, 1973 and Ord. No. 969, 1977; 989, 1978; 979, 1978; 1129, 1984; 1166, 1986' 1177, 1986; 1206, 1987; 1207, 1987; 1210, 1988; 1217, 1988; 1222, 1988; 1256, 1990; Ord. 1282, 1991; Ord. No. 1306, 1991; Ord. No. 1302, 1992; Ord. No. 1316, 1992; Ord. No. 1331, 1993; Ord. 1416, 1998; Ord. No. 1505, 2001; Ord. No. 1508, 2002; Ord. No. 1518, 2002; Ord. No. 1532, 2003; Ord. No. 1537, 2003; Ord. No. 1543, 2004; Ord. No.1555, 2004; Ord. No. 1570, 2005; Ord. No. 1575, 2005; Ord. No. 1605, 2007; Ord. No. 1607, 2007; Ord. No. 1669, 2010; Ord. No. 1711A, 2012; Ord. No. 1716, 2013. Ord. No. 1718, 2013; Ord. No. 1720, 2013; Ord. No. 1736, 2014; Ord. No. 1743, 2015; Ord. No. 1757, 2016; Ord. No. 1758, 2016; Ord. No. 1766, 2016.

Section 12-6-202 Statement of purpose for the Local Business District.

To provide commercial areas for a wide variety of retail and service establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled, the display space required, the method of transport required, and primary dependence on vehicular access.

Source: Ord. 1436, 1999.

Section 12-6-203 Principal permitted uses.

The following principal uses and structures shall be permitted in the Local Business District.

1. Car wash
2. Drive-in food service

3. Educational facility
4. Financial institution
5. Gas dispensing station
6. Grocery
7. Hotel/Motel
8. Indoor or outdoor recreation facility
9. Mini storage facility (4,000 sq. ft. or less)
10. Office
11. Parking facility or lot
12. Personal and health service store
13. Public transportation facility
14. Public utility facility
15. Railroad through and spur tracks
16. Retail or service store
17. Small animal clinics (excluding exterior kennels)
18. Other light retail and service establishments approved by the Planning Commission, except those uses enumerated in another district.

Amended by Ord. No. 1167, 1986; 1186, 1986; 1222, 1988; 1252, 1990; Ord. No. 1341, 1994; Ord. 1436, 1999.

Section 12-6-204 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.

Amended by Ord. No. 1167, 1986; Ord. 1436, 1999.

Section 12-6-205 Accessory uses.

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

1. Private garages and private parking areas.
2. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City.
3. The parking of one unoccupied trailer designed for recreational use and not to exceed 30 feet in length, within a building or in the open in a rear yard but subject to any permits required by law or ordinance.
4. The storage of one pleasure boat within a building, or in the open in the rear yard.
5. Other accessories normally appurtenant to use permitted in this district.

Source: Ord. 1436, 1999.

Section 12-6-206 Conditional uses.

1. Assembly and packaging
2. Automobile sales, service, & storage
3. Building material sales
4. Drop-off, buyback or transfer site for recyclables
5. Contractor shop and storage yard
6. Daycare facility
7. Frozen food locker
8. Feed & seed store
9. Freight handling

10. Implement sales & service
11. Kennel
12. Light manufacturing or processing
13. Mixed business/residential use
14. Mobile home parks
15. Multiple family dwellings

Source: Ord. 1436, 1999.

Section 12-6-207 Space limitations.

Building Height Limit

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

Required Lot Area

When the lot is not used for residential purposes there is no required lot area.

Percentage of Lot Coverage

All buildings including accessory buildings shall not cover more than eighty (80) per cent 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 - None required but has to comply with loading zone requirement.
3. Side yard width - None required, 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.

Section 12-6-208 Performance Standards.

1. Multiple family dwellings granted a conditional use permit shall comply with all regulations of the multiple family districts. Only one building for living purposes shall be permitted on one

zoning lot except as otherwise provided herein. Conditional uses shall be in conformity with their respective districts.

2. 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 patron's vehicles.

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, liquified 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.

4. Mixed business/residential uses granted a conditional use permit shall not include the construction of a business building in the yard of a residence or within an existing residence.

5. Transmission towers are limited to 35 feet high.

6. Service or access roads may be required at the discretion of the Planning Commission. Property required to create service or access roads will be provided by the property owner or developer. Service or access roads will be developed to normal city street standards. Service or access that will carry truck traffic will be developed to carry such traffic without pavement or sub-base breakup. The Planning Commission will approve development plans for service or access roads.

Source: Ord. 1436, 1999.

Section 12-6-209 to 299, inclusive. Reserved.