

ARTICLE I. - IN GENERAL

Sec. 60-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned farm site means a site in the agricultural area that includes at least three of the following criteria:

- (1) Contains an existing shelterbelt on at least one side;
- (2) Contains a usable well;
- (3) Presently contains outbuildings; and
- (4) Has an existing approach onto a public road or highway.

Aberdeen Commercial Historic District means the area within the border of 6th Avenue SE/SW on the south, Railroad Avenue SE/SW on the north, the public alley right-of-way between Main Street S. and 1st Street S. on the west, and the public alley right-of-way between Main Street S. and Lincoln Street S. on the east.

Accessory building or use.

- (1) The term "accessory building or use" means one which:
 - a. Is customary and clearly incidental to the principal building and use;
 - b. Serves exclusively the principal building or principal use;
 - c. Is subordinate in area, extent, and purpose to the principal building or principal use served;
 - d. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
 - e. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served; and
 - f. Has an exterior similar to that of the principal building and in no case shall the veneer be more reflective than that of low gloss paint.
- (2) The term "accessory building or use" includes, but is not limited to the following:
 - a. A children's playhouse, garden house, or private greenhouse;
 - b. A garage, carport, shed, or building for storage incidental to a permitted use;

Sec. 60-58. - C-3 central business district.

(a) *Characteristics.* The purpose of this district is to establish the location of the downtown or predominant shopping area of the city in relation to its intended use; that being to best serve the largest number of patrons within the community's service area with the widest variety of goods and services. Through the proper zoning classification and use of restrictions it is the intent of this section to prevent the scattering of commercial uses and to centralize together the predominant retail and service activities needed to satisfy the local shopping public.

(b) *Permitted uses.* In the C-3 central business district zone, buildings, structures, and land shall be used only for the following purposes:

- (1) Retail businesses, such as hardware, paint and lumber stores, general merchandise stores, department stores, apparel stores, furniture stores, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, jewelry stores, office supply stores, music shops, sporting goods stores, book, stationery, magazine, candy and tobacco shops, and florists, but not excluding similar retail outlets. Outdoor displays of merchandise are permitted, subject to the regulations provided elsewhere in this Code.
- (2) Business services such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, newspaper office, and professional offices, but not excluding similar business services.
- (3) Personal services such as barbershops, beauty salons, photographic studios, laundrettes, tailor, dressmaking, millinery, and dry cleaning, but not excluding similar personal services.
- (4) Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops; but not excluding similar repair services.
- (5) Automotive sales and services; such as filling or service stations, commercial or repair garages, new and used car dealers, and automotive supplies, provided they are completely within an enclosed building or structure.
- (6) Farm equipment sales and services, including implement dealers, irrigation equipment and other farm machinery, provided they are completely within an enclosed building or structure.
- (7) Transportation depots, communication offices and travel agencies.
- (8) Medical, dental, and health offices, clinics and establishments, excluding veterinary clinics.
- (9) Restaurants, cafes, short-order establishments, bars and night clubs, but excluding drive-in establishments.

- (10) Ice cream and dairy stores and establishments selling specialty food items exclusively at retail, excluding drive-in type facilities.
- (11) Theatres and auditoriums; excluding drive-ins.
- (12) Hotels and boardinghouses.
- (13) Public buildings, museums, art galleries, and libraries.
- (14) Public and private clubs, lodges, fraternal organizations and places for social, recreational and entertainment facilities.
- (15) Public and private parking facilities.
- (16) Churches, convents and other places of worship.
- (17) Mortuary and funeral homes.
- (18) Public works. Public buildings, public utility facilities, such as transformer stations, pumping stations, water towers, radio or television transmitter stations and telephone exchanges, but not service or storage yards.
- (19) Accessory building, structures, or uses subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses and that will not create a nuisance or hazard to life or property shall be permitted. The footprint of such building or structure shall not exceed the footprint of the principal building and shall not exceed 15 percent of the total lot area; shall have an exterior that is aesthetically similar in texture and appearance to and that is compatible with the exterior of the principal structure and shall be located in the rear yard of the property. Any structure with side walls higher than ten feet shall be approved in accordance with section 60-193, pertaining to special exception regulations, by the board of zoning adjustment.
- (20) All properties within 300 feet of an educational institution shall comply with requirements as defined in section 60-196, pertaining to school safe zone.
- (21) Public and parochial schools and other institutions of educational or philanthropic nature.
- (22) Telecommunication equipment collocated on existing towers and facilities or Stealth Telecommunications Facilities that will not increase the height or area of the supporting structure.

(c) *Special exceptions.* The board of zoning adjustment for the city, may, by special permit, after a public hearing and subject to such conditions and protective restrictions as set forth in article XI of this chapter authorize the following exceptions:

- (1) Bakeries and creameries, where the products are sold exclusively at retail on the premises.

- (2) Wholesale trade, warehousing and commercial storage completely within an enclosed building or structure.
- (3) Open storage, parking or sale of vehicles, machinery, and trailers, building materials and supplies and wholesaling and warehousing goods.
- (4) Small animal veterinary clinics whose practice on the premises is limited solely to companion animals such as dogs, cats, birds, fish and reptiles commonly kept as household pets. Such clinics shall not include facilities for boarding or kenneling of animals not under veterinary treatment, nor shall they include facilities for the treatment of horses, food animals such as cattle, sheep, swine, poultry, goats or other large animals.
- (5) Additions to personal residences and remodeling of multifamily and personal residences existing in this section. No new personal residences shall be allowed, and no new multifamily residences or additions to multifamily residences shall be allowed.
- (6) Carwashes of not more than four stalls.
- (7) Crematorium.
- (8) Sexually oriented businesses, as defined in section 60-195, pertaining to adult uses.
- (9) New telecommunication facilities or additions in height or area of existing facilities.

(d) *Signs.* All signs must follow article XII of this chapter. This subsection is operative only as to the city zoning jurisdiction within the territory beyond the corporate limits for a distance of three miles in all directions.

(e) *Aberdeen Commercial Historic District.* No building, structure, premises or sign shall be used, erected or altered along Historic Main Street, until or unless the following conditions have been complied with:

- (1) All residential uses shall be permitted, but those residential uses must be located above the first story and off street parking must be provided for each dwelling unit as per section 60-159 off-street parking regulations.
- (2) No off street parking will be permitted within the front or side yard of a lot.
- (3) Existing and newly constructed buildings will be prohibited from being used solely for dry/cold storage or as garages/car ports.

(f) *Aberdeen Commercial Historic District.* A permit for any construction or exterior alteration of any building or structure shall not be granted along Historic Main Street, until or unless the following conditions have been complied with:

- (1) A materials list for all new bare lot construction must be submitted as part of the city planning commission approval process. The materials list must be reflective of the historic nature of the surrounding area and buildings. Rough-sawn wood, rustic shingles, aluminum, steel or vinyl siding or obvious imitation materials will not be permitted.
- (2) All new construction or renovation/alteration to a building's facade, including buildings with dual frontage, shall meet all of the requirements set forth in the National Historic Preservation Act (NHPA), South Dakota Codified Law; Chapter 1-19A "Preservation of Historic Sites," and Chapter 1-19B "County and Municipal Historic Preservation Activities."
- (3) All newly constructed buildings must be constructed to meet the zero property line set back so that the new building is in line with the other existing structures. Accessory structures, such as sheds, garages, or carports, will not be permitted.
- (4) All building entrances must meet the requirements of the Americans with Disabilities Act (ADA).
- (5) All signage will be required to adhere to section 60-340 of the sign ordinance.

(Ord. No. 1164, § 708, 5-20-1968; Ord. No. 1265, § 2, 1-18-1971; Ord. No. 1411, § 12, 3-30-1976; Ord. No. 1747, § 1, 6-30-1986; Ord. No. 96-08-01, 8-19-1996; Ord. No. 97-06-06, 6-10-1997; Ord. No. 98-07-07, 8-4-1998; Ord. No. 03-02-05, § 3, 3-3-2003; Ord. No. 02-09-04, § 3, 3-10-2003; Ord. No. 02-09-05, § 3, 3-10-2003; Ord. No. 04-02-02, § 8, 3-1-2004; Ord. No. 04-04-01, § 8, 5-3-2004; Ord. No. 06-08-05, 8-29-2006; Ord. No. 09-05-01, §§ 708.02, 708.3, 6-30-2009; Ord. No. 10-10-04, § 708.02, 2-1-2011; Ord. No. 14-04-05, 5-14-2014; Ord. No. 15-11-02, 12-1-2015)

- c. Incinerators incidental to a permitted use;
- d. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
- e. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
- f. Off-street motor vehicle parking areas and loading facilities; and
- g. Signs, as permitted and regulated in each district incorporated in this chapter.

Activity means the primary use taking place on a parcel of land. The area, yard and height requirements table in section 60-91 classifies all activities as commercial, industrial, institutional, agricultural, and residential.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration or remuneration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices including computers are maintained to show images to five or fewer persons per machine at any one time where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas other than in a lodging place wherein such would take place within a room rented by an individual.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear seminude conforming to the restrictions imposed under article IV of chapter 6;
- (2) Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas; or
- (3) Films, motion pictures, videocassettes, DVDs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adults-only bookstore, adults-only novelty store or adults-only video store means a commercial establishment, which, as its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, DVDs or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

- (2) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Airport means any area of land which is used, or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use as right-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

Alley means a dedicated right-of-way, being 20 feet or more but less than 50 feet in width, for the use of vehicles which affords only a secondary means of access to abutting property.

Apartment means a part of a building consisting of a room intended, designed, or used as a residence by an individual or a single family; also known as multifamily residence.

Architectural, historic or scenic area means an area or property of significant architectural, historic or scenic value which has been recognized and officially designated by the city council.

Basement means a story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet, or if used for business purposes, or if used for dwelling purposes by other than a janitor or his or her family.

Board, as used in this chapter, means the board of zoning adjustment of the city.

Boardinghouse, lodginghouse or roominghouse means a building, other than a hotel or motel, where meals are regularly served or lodging furnished for compensation to persons not members of the family therein residing, and on a nontransient basis.

Building means a structure that is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind. The connection of two buildings by means of an open and unenclosed porch, breezeway, passageway, carport, or other such structures, with or without a roof, shall not be deemed to make them one building. The term "building" includes the term "structure."

Building, accessory. Refer to Accessory building or use.

Building coverage means the proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross section of a building.

Building face means an exterior building wall or a side of a building as viewed from a street frontage. The area of a building face shall be calculated by multiplying the width of the building by the height to the roofline.

Building, height of, means the vertical distance from the mean elevation of the finished grade along the building setback line to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building, pole-type construction, means a building with exterior loadbearing wall construction of heavy timbers, sown timbers or structural glued-laminated wood, used as columns to support the roof/floor loads and are spaced more than 24 inches on center and does not have a continuous perimeter footing and foundation.

Building, principal, means a nonaccessory building in which is conducted the principal use of the lot on which it is located.

Building setback line means a line indicating the minimum horizontal distance permitted between the outside building wall of the principal building or any enclosed projection thereof and a street right-of-way line. See Yard, front.

Building wall means the foundation wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or piazzas, steps, walks and retaining wall or similar structure shall not be considered as building walls under the provisions of this chapter.

Business or commercial, when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.

Cellar means a story having more than one-half of its height below the average level of the adjoining ground. A cellar should not be counted as a story for purposes of height measurement.

Club or lodge (private) means an association of persons for the promotion of some nonprofit object, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

Commercial feedlot means a commercial feedlot shall constitute the feeding of or maintaining of farm animals of more than three animal units per acre within the same parcel or legal description, and not more than 200 animal units on any given piece of land regardless of size. An animal unit shall consist of the following regardless of age:

- (1) One beef cow, steer, feeder, fat beef animal or dairy cow;
- (2) One horse;
- (3) Two swine;
- (4) Six sheep or goats;
- (5) Ten geese or turkeys;
- (6) Thirty hens, cockerels, capons, broilers or ducks.

Commission means the city planning and zoning commission.

Condominium means a multiple-family dwelling in which the individual dwelling units are owned separately, while the lot they occupy, along with other common grounds, are owned jointly.

Convalescent or nursing home means a building and premises in which care is provided for two or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases.

Crematorium means any building fitted with appliances for the purpose of burning human remains and shall include everything incidental or ancillary thereto.

Developmental lot means two or more platted lots or portions of platted lots with continuous frontage in single ownership of record prior to September 10, 1997, where all or part of the lots do not meet the requirements established for lot width and area, which for the purposes of this chapter shall be considered an undivided lot.

Display time. The time during which a single message is displayed on an electronic message board sign.

Drive-in establishment means an establishment of the drive-in type which accommodates the patrons in automobiles, from which the occupants may obtain or receive a service or obtain a product which may be used or consumed, in the vehicle, on the same premises.

Dwelling means a building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling.

Dwelling, multifamily, means an apartment house or dwelling used or intended to be used or occupied as a residence of three or more families or housekeeping units living independently of each other.

Dwelling, single-family, means a building having one dwelling unit designed for or occupied exclusively by one family.

Dwelling, two-family, means a dwelling having two dwelling units designed for or occupied exclusively by two families living independently of each other.

Dwelling unit means a building or portion thereof, providing complete and permanent living facilities for one or more persons.

Educational institution means any public or private institution of education and includes an elementary or secondary school system, technical or vocational school, serving to educate individuals primarily under the age of 18 years.

Efficiency unit means a dwelling consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room which shall not exceed 90 square feet in area and shall not be used for sleeping purposes.

Entrance, main, means the entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

Exempted sign means a sign which does not require a sign permit and does not have to meet the requirements of this chapter except as specified or prohibited to all signs.

External illumination means illumination from a light source which is placed outside of or away from the sign, in a manner to illuminate the sign.

Family means an individual, or two or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four roomers.

Farm unit means all buildings and structures needed in agricultural operations, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

Feedlot means the confined feeding of food, furry pleasure, or pet animals in buildings, lots, pens, pools, or ponds, which normally are not used for raising crops or grazing animals.

Fence means a structure providing enclosure or serving a barrier, but not protecting against the elements (as distinguished from building).

Flood area (for determining floor area ratio) means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

- (1) The term "floor area" of a building includes:
 - a. Basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established;
 - b. Elevator shafts and stairwells at each floor;
 - c. Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;
 - d. Penthouses, attic space used for human occupancy, interior balconies, and mezzanines;
 - e. Enclosed porches; and
 - f. Floor area devoted to accessory uses.
- (2) The term "floor area," in buildings devoted to bulk storage of materials, including, but not limited to:
 - a. Grain elevators; and
 - b. Petroleum storage tanks; shall also be included in floor area and shall be determined on the basis of height of such structures, i.e., ten feet in height shall equal one floor.

- (3) The term "floor area" of a building does not include any space devoted to off-street parking or loading.

Floor area (for determining off-street parking and off-street loading requirements), when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, means the sum of the gross horizontal areas of the several floors of the building, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor area ratio (FAR) means the floor area of the buildings on the zoning lot divided by the area of such zoning lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the zoning lot.

Frontage means all the property abutting upon one side of a street between two lot lines measured along the street right-of-way line.

Garage, private, means an accessory building or portion of a building used for storage purposes only and having a capacity of not more than three automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one commercial vehicle, and in which space may be rented for not more than three vehicles of others than occupants of the building to which such garage is accessory.

Garage, public, means a building or portion of a building in which motor vehicles are equipped for operation, repaired, stored, or kept for remuneration, hire or sale.

Green belt means an area of light and open space, compatible with adjacent recreational or agricultural rural uses which, because of watershed flooding problems, should remain structure free.

Height means a vertical distance between two given points, i.e., the maximum height of a freestanding sign is the vertical distance from the ground to the upper extremity of the sign.

Home occupation means an occupation carried on by the occupant of a dwelling as a secondary use in connection with the main use of the property as a residential dwelling. All home occupations must meet the requirements as stated in section 60-194.

Hotel means a building in which lodging accommodations, with or without meals, are provided to the public for compensation, and which is open to transient guests in contradistinction to a lodginghouse. A hotel is commonly known as a hotel in the city and provides customary hotel services such as maid, telephone and secretarial, bellboy, and desk services, the use and upkeep of furniture, and the furnishing and laundering of linen.

Hotel, apartment, means a building in which at least 90 percent of the accommodations are dwelling units or are occupied by permanent guests.

Illumination means the use of an artificial light source to allow visual perception in the absence of sunlight.

Incentive means a relaxation of specified sign regulations in return for a desired level of performance.

Internal illumination means illumination from a light source which is enclosed within a sign and viewed through a translucent panel.

Item of information means an item of information means any of the following: a word; an abbreviation; a number; a symbol; a geometric shape. In addition, signs combining several different geometric shapes, or shapes of unusual configuration are to be assessed one additional item for each noncontinuous plane. In computing items of information, the following lettering is not to be included:

- (1) Lettering less than three inches in height, if it is contained in a wall sign.
- (2) A symbol less than two square feet in area.
- (3) Letters less than 19 inches in height carved into or securely attached in such a way that they are an architectural detail of a building, provided that:
 - a. They are not illuminated apart from the building, are not made of reflective material, and do not contrast sharply in color with the building;
 - b. Do not project more than one inch from the building face.

Junkyard means an open area of any lot or parcel of land which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof, and the necessary salvage operations related to the sale of parts or components.

Kenel, animal, means any premises, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

Lodging room (for determining lot area requirements and off-street parking requirements) means any lodging room designed or intended to be occupied by more than two persons shall be determined as one lodging room for each two persons; provided, however, that in a lodginghouse, or a fraternity and sorority house, the number of lodging rooms shall be determined by dividing the total number of persons intended to occupy the lodging rooms by two.

Lodginghouse means a residential building or portion thereof, containing lodging rooms which accommodate five or more persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation on a monthly or longer basis.

Lot means a parcel of land under one ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having its frontage upon one or more streets or an officially approved public place. No area shall be counted as accessory to more than one principal building or use, and no area necessary for compliance with the open space requirements for one principal building or use shall be included or counted in the calculation of the open space accessory to any other principal building or use. The term "lot" includes the term "plot" or "parcel."

Lot area means the area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, corner, means a lot fronting on two or more intersecting streets.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein.

Lot of record means a lot or parcel of land, the plat, deed, or valid contract of sale of which has been duly recorded in the office of the register of deeds of the county, prior to the effective date of the ordinance from which this chapter is derived.

Lot, through, means an interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.

Lot, width of, means the horizontal distance between side lot lines measured at the building setback line.

Major thoroughfare means all streets located on a section line, any street designated as an arterial, major or collector street or any street other than those designed for internal circulation of service within a development.

Message. On an electronic message board sign, the changeable image or collection of images which is displayed to the public.

Mini-storage facility means a structure containing three or more units which are available for lease or rent by persons other than residents of the premises for the storage of goods not related to the sale or manufacture of goods on the same lot.

Mobile home means a one-family dwelling unit of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation. The term "mobile home" means any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks or skirting, and so designed as to permit occupancy for dwelling or sleeping purposes. The term "mobile home" shall apply only to single-width, eight feet, ten feet, 12 feet, 14 feet, 16 feet and such other single-widths as may appear.

Mobile home, doublewide, means a sectionalized or modular type units placed on a permanent foundation, with or without basement, shall not be classed as mobile homes, but shall be rather classed as real estate.

Mobile home stand means the portion of an individual lot which has been reserved for the placement of the mobile home.

Motel means an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as

maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Multiple frontage means a parcel of land with, frontage on more than one street, i.e., a corner lot.

Nonconforming use means any building or land lawfully occupied by a use at the time of passage of the ordinance from which this chapter is derived that does not conform with the use regulations of the district within which it is located.

Nursery school means a facility licensed as a day care center by the state department of public welfare, division of social services, where a person provides, for compensation and/or consideration for service, group care for four or more children under seven years of age, for less than 24 hours a day at a location other than the child's own home or the home of relatives or guardians.

Official Zoning Map of Aberdeen, Aberdeen Zoning Map, zoning map or map means the official zoning map of the city and the area comprising its three-mile extraterritorial zoning jurisdiction.

Owner of record means the owner indicated on official records in the courthouse at the time of the effective date of the ordinance from which this chapter is derived.

Parking space means the storage space for one motor vehicle which space is not less than ten feet by 20 feet, plus the necessary access space.

Performance standards means the regulations designed to encourage higher quality sign standards through the use of incentives.

Planned commercial area means an area designed and developed to facilitate quality commercial development. A group of properties planned and developed by a single person or corporation.

Planned residential development.

Dwelling means a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this chapter. The issuance of a permit for a planned residential development—dwelling shall require approval as provided in this chapter.

Mobile home park means a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for mobile homes and where yard requirements as required by district regulations may be modified as regulated in this chapter. The issuance of a permit for a planned residential development—mobile home park shall require approval as provided in this chapter.

Student housing facility means a parcel or tract of land as required in the district regulations under common management, single ownership, and control and which is the site for one or more residential buildings for university students and where yard regulations as required by district regulations may be modified as regulated in this chapter. The issuance of a permit for a planned residential development—student housing facility shall require approval as provided in this chapter.

Prohibited sign means a sign prohibited in all zoning districts and all circumstances.

Property means a lot, building, or a portion of a building owned, leased or rented with direct first floor public access to a street.

Property line means the boundary of a property under single ownership, lease or rental.

Railroad right-of-way means a strip of land containing railroad tracks and customary auxiliary facilities for only track operation. The term "railroad right-of-way" does not include land used or intended to be used for switching, spur, lead, team, or siding tracks, freight depots, or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.

Roofline means the uppermost portion of a flat-roofed building exclusive of chimneys, mechanical equipment and similar appendages, or the eave line of a slant-roofed building.

Screening means a hedge, wall or fence to provide a visual separator and physical barrier not less than four feet nor more than six feet in height, unless otherwise provided for in this chapter.

Setback means the horizontal distance between two given points, i.e., the setback for a freestanding sign is the horizontal distance from the property lines to that portion of the sign closest to the property lines.

Sexually oriented business means an adult arcade, adults-only bookstore, adults-only novelty store, adults-only video store or adult cabaret, and any other adult oriented business licensed under article IV of chapter 6.

Shelterbelt/field belt means a strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock, residences, recreation areas and wildlife. Shade and ornamental trees are not to be considered as a shelterbelt.

Shopping center means a group of five or more commercial businesses on one or more contiguous lots or parcels of land, arranged and related in such a manner as to establish an identification as a retail sales or service center with a minimum aggregate of five acres.

Sign means any letter, symbol, number, or combination of these, which can be seen from the right-of-way of a street or highway.

Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, but excluding any structural or supporting elements such as upright, aprons, poles, beams or standards.

Sign structure means the structural elements necessary to support a sign.

Sign type means canopy, freestanding, projecting wall, roof, wall, wall/roof, and blade and channel letter signs. The term "sign type" pertains to the location of a sign on a property or structure, and the method of support or attachment as follows:

- (1) *Canopy sign.* A canopy sign includes awnings and marquees. An overhead covering projecting from and attached to a building, and the attachments thereto.
- (2) *Freestanding sign.* A freestanding sign is structurally self-supporting and not attached to any other structure.
- (3) *Projection wall sign.* A projection wall sign is attached to and supported by a building, projecting more than 12 inches from the wall to which it is attached. A projecting wall sign shall not extend above the roofline.
- (4) *Roof sign.* A roof sign is erected above the roofline of a building and which is wholly supported by the building.
- (5) *Wall sign.* A wall sign is affixed to an exterior wall of a building and which projects 12 or fewer inches from the wall.
- (6) *Wall/roof sign.* A wall/roof sign is a projecting wall sign which projects above the roofline of a building and which is wholly supported by the building.
- (7) *Blade sign.* An attached sign oriented perpendicular to the face of the building which any part of the sign projects more than 12 inches and does not include a canopy sign or awning sign.

Sign use refers to the way in which a sign is used based on the function of the sign and/or its relationship to the property on which it is located as follows:

- (1) *Area identification sign.* The term "area identification" means a sign erected to identify a group of five or more commercial or industrial activities located either within a single structure or a planned commercial area by identifying the structure or the area. The structure or area must be identifiable as a unit through common ownership or management of the building, utilities and/or common facilities (i.e., parking, open space, mall, etc.).
- (2) *Business sign.* The term "business sign" means an on-premises sign used to identify a commercial or industrial activity.
- (3) *Construction sign.* The term "construction sign" means a temporary sign erected to identify the contractors, designers and/or financial institutions involved in a major construction project.
- (4) *Farmstead sign.* The term "farmstead sign" means a sign erected to identify the owner and/or occupant of a farmstead and/or any unique agricultural products available at the farmstead.

- (5) *Home occupation sign.* The term "home occupation sign" means a sign erected to identify a home occupation as defined in this section.
- (6) *Institutional sign.* The term "institutional sign" means a sign erected to identify an institutional activity.
- (7) *Nonconforming business sign.* The term "nonconforming business sign" means a sign erected to identify a nonconforming business as defined in this section.
- (8) *Off-premises sign.* The term "off-premises sign" means a sign which directs attention to a commodity, service or activity not exclusively related to the premises where such a sign is located or to which it is attached.
- (9) *On-premises sign.* The term "on-premises sign" means a sign which directs attention to a commodity, activity, service or business offered or conducted on the same premises as the sign is located.
- (10) *Residential identification sign.* The term "residential identification sign" means a sign which is showing the address and/or name of the occupants of a residential building.
- (11) *Subdivision sign.* The term "subdivision sign" means a temporary sign advertising the sale of platted lots in a subdivision being actively developed as evidenced by buildings under construction or constructed, and/or streets opened.

Specialty signs means signs that possess unique characteristics which require special treatment or control. The following are included in the kinds of specialty signs:

- (1) *Painted wall sign.* An on-premises sign painted directly upon a wall or similar structure.
- (2) *Parasitic sign.* A sign affixed to a permanent supporting structure which is in addition to signs specifically designed for said supporting structure.
- (3) *Portable sign.* A sign not affixed to a permanent supporting structure but which is designed to be moved from location to location.
- (4) *Super graphic.* A large wall painting displayed for its aesthetic qualities.

Specified anatomical areas means:

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than completely and opaquely covered sexual parts of a male or female including the genitals, pubic area and anus of any person or the nipple and areola of the female breast.

Specified sexual activities means any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) and (2) of this definition.

Story means that portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

Story, half, means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public thoroughfare which affords a principal means of access to abutting property, having a right-of-way width of 50 feet or more.

Street frontage means the length in feet of a property dimension bordering a street right-of-way.

Street right-of-way line means lines separating private property from the street or alley existing or dedicated in public ownership.

Structural alteration means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having more or less permanent location on the ground.

Total sign area means the total area of all signs on a property directed to one street frontage.

Townhouse means multiple-family or attached single-family dwellings in which the separate dwelling units and the ground they occupy are individually owned while the common areas are jointly owned.

Trailer means any vehicle used, or so constructed as to permit its use, as a conveyance upon the public streets or highways and duly licensed as such, which shall include self-propelled and non-self-propelled vehicles, and so designed, constructed, reconstructed or added to by means of an enclosed addition or room, in such manner as will permit the occupancy thereof as a dwelling unit and having no permanent foundation other than wheels, blocks, jacks or skirting, and shall include without limiting the general definition thereof, house trailer, mobile home, or other enclosure or vehicle which is so designated, constructed or reconstructed.

Trailer parks or courts means any site, lot, field or parcel of land used or intended to be used, leased, or rented for occupancy by two or more trailers to be used for living or commercial

purposes of any kind, together with automobile parking space and incidental utility structures and facilities required and provided in connection therewith. The term "trailer parks or courts" does not include trailer sales or lots on which unoccupied trailers are parked for purposes of inspection or sale.

Travel trailer, recreational vehicle means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use when factory equipped for the road, being of any length provided its weight does not exceed 4,500 pounds, or being of any weight provided its original length does not exceed 28 feet.

Uniform Building Code (UBC) means the building regulations adopted by the city to provide minimum standards to safeguard life, health, property and public welfare.

Uniform Sign Code means a section of the uniform building code relating specifically to signs and used with the uniform sign code to regulate sign construction.

Usable open space means that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by principal or accessory buildings, service driveways, off-street parking spaces and/or loading berths, and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch.

Use means any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.

Use, conditional, means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this chapter, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted.

Use, permitted, means a use which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of such district in which such use is located.

Used or occupied, as applied to any land or buildings, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Utility substation means, unless otherwise specified, an area where facilities are provided for the distribution of telephone, television, radio, communications, water, gas and electricity.

Variance means a legal modification or variation of the provisions of this chapter as applied to a specific piece of property, as distinct from rezoning. (Power to grant lies with the board of zoning adjustment).

Yard, front, means the required, open, and unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the nearest part of the front building wall of the principal building as projected to the side lines of the lot. The depth of the front yard shall be measured between the building setback lines and the front line of the lot.

Yard, rear, means the required, open and unoccupied space on the same lot with a principal building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the nearest part of the rear building wall of the principal building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.

Yard, side, means the required, open, unoccupied space on the same lot with a principal building situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard, the front boundary of the side yard shall be the front line of the lot, and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.

Zoning jurisdiction means the city and an area within three miles of the city and the county as the city zoning jurisdiction.
(Ord. No. 1164, §§ 501, 502, 5-20-1968; Ord. No. 1233, § 1, 3-30-1970; Ord. No. 1411, §§ 1, 2, 3-23-1976; Ord. No. 1463, § 1, 4-14-1978; Ord. No. 1551, § 3, 7-22-1980; Ord. No. 1801, 1-26-1988; Ord. No. 97-06-10, 6-23-1997; Ord. No. 97-08-05, 8-18-1997; Ord. No. 00-04-03(199), 5-30-2000; Ord. No. 03-02-05, § 1, 3-3-2003; Ord. No. 02-09-04, § 2, 3-10-2003; Ord. No. 02-09-05, § 1, 3-10-2003; Ord. No. 04-04-01, §§ 1, 2, 5-3-2004; Ord. No. 11-08-05, 9-27-2011; Ord. No. 14-04-03, 4-28-2014; Ord. No. 14-04-04, 4-28-2014)

State Law reference— Definitions applicable to municipal planning and zoning, SDCL 11-4-1.1, 11-6-1.

Sec. 60-340. - District regulations.

(a) *A-1 agricultural district.* In the agricultural district all signs must comply with the following:

- (1) *Residential identification.* One wall sign not more than two square feet per unit.
- (2) *Institutional and nonconforming business signs.* One wall sign not more than 36 square feet or one freestanding sign not more than 24 square feet nor more than 15 feet high.
- (3) *Farmstead and business signs.* One wall sign not more than 50 square feet or one freestanding sign not more than 32 square feet nor more than 20 feet high.
- (4) *Area identification signs.* One wall sign not more than 24 square feet or one freestanding sign not more than 24 square feet nor more than 12 feet high.
- (5) *Setback.* No sign may be closer than 30 feet to any property line.
- (6) *Off-premises signs.* Off-premises signs are prohibited.

(b) *A-2 green belt district.* In the green belt district all signs must comply with the following:

- (1) Except as specified here, signs erected in the green belt district shall comply with the regulations of the abutting districts on the respective side of the watercourses.
- (2) No sign structure shall be permitted which is inconsistent with the flood protection characteristics specified for the green belt district in section 60-52.
- (3) Off-premises signs are prohibited.

(c) *R-1, R-2, R-3 low, medium and high density residential districts.* In these districts all signs must comply with the following:

- (1) *Residential identification.* One wall sign not more than two square feet per unit.
- (2) *Institutional and nonconforming business identification signs.* One wall sign not more than 36 square feet, or one freestanding or projecting wall sign not more than 16 square feet, or a combination of a wall sign and one other sign mentioned totaling not more than 36 square feet. Maximum height shall be the eave or bottom of the second story window, whichever is lower.

- (3) *Area identification signs.* One sign not more than 24 square feet nor more than 12 feet high.
- (4) *Home occupation sign.* One nonilluminated wall sign not more than eight square feet.
- (5) *Setback.* No sign may be closer than ten feet to any property line.
- (6) *Off-premises signs.* Off-premises signs are prohibited.

(d) *R-4 special density residential district.* In the R-4 district all signs must comply with the following:

- (1) Only signs allowed in R-1, R-2, or R-3 districts shall be allowed for residential uses in R-4 districts.
- (2) Nonresidential uses shall comply with the sign requirements for the district they are in.

(e) *R-5 trailers, trailer parks and planned residential area (trailers).* In R-5 districts only signs allowed in R-1, R-2 or R-3 districts shall be allowed in R-5 districts.

(f) *C-1 neighborhood commercial district.* In C-1 districts all signs must comply with the following:

- (1) *Business signs.* A total sign area of two square feet for each lineal foot of frontage shall be allowed. Where there is multiple frontage, an additional sign area of one square foot for each additional lineal foot of frontage shall be allowed. No more than two square feet of sign area for each lineal foot of frontage shall be allowed to face any frontage.
 - a. Only wall, projecting wall or freestanding signs may be used.
 - b. Freestanding signs shall not exceed 50 square feet nor 20 feet in height.
 - c. Projecting wall signs shall not exceed 40 square feet.
 - d. Each property may display one freestanding sign or one projecting sign.
- (2) *Institutional and nonbusiness signs.* Shall comply with sign regulations for R-1, R-2, or R-3 residential districts.
- (3) *Area identification signs.* One freestanding sign per development; not to exceed 100 square feet nor 20 feet in height.
- (4) *Setback.* No sign may be closer than ten feet to any property line.
- (5) *Off-premises signs.* Off-premises signs are prohibited.

- (g) *C-2 highway commercial*. In C-2 districts all signs must comply with the following:
- (1) *Business signs*. A sign area of two square feet for each lineal foot of frontage shall be allowed. If the building has multiple frontages, an additional sign area of one square foot for each additional lineal foot of frontage shall be allowed.
 - a. All sign types are allowed in the C-2 districts.
 - b. Each property may display either one freestanding or one roof sign.
 - c. Each property may display either one projecting wall sign or one wall/roof sign.
 - d. Freestanding and roof signs shall not exceed 150 square feet in area nor 30 feet in height above grade. For freestanding signs, an additional 45 percent of the sign area may be added for decorative framing, brickwork, or similar facade applications; provided however, that such additional area may not include advertising of any type.
 - e. Projecting wall and wall/roof signs shall not exceed 40 square feet in area.
 - f. Projecting wall signs shall not extend above the eave or 20 feet above grade whichever is less.
 - g. Wall/roof signs shall not exceed 30 feet in height above grade.
 - h. On frontages exceeding 150 feet but less than 200 feet the allowable freestanding sign size may be increased by 50 percent and height by 20 percent. On frontages exceeding 200 feet allowable freestanding sign size may be doubled and height increased 30 percent.
 - (2) *Institutional and nonbusiness signs*. Shall comply with the sign regulations for R-1, R-2, or R-3 residential districts.
 - (3) *Area identification signs*. One freestanding sign per commercial development, provided that no other freestanding sign is displayed on the same property with the following restrictions:
 - a. Maximum size shall be 650 square feet.
 - b. Maximum height shall be 50 feet.
 - c. Shall be set back a minimum of 20 feet from any property line.
 - (4) *Setback*. No sign shall be closer than ten feet from any property line.

- (5) *Off-premises signs.* Off-premises signs are allowed as per section 60-341(a).

(h) *C-3 central business district.* In the central business district all signs must comply with the following:

- (1) *Business signs.*

- a. Signs attached to the building equaling 20 percent of the building face area or 100 square feet, whichever is greater; not higher than the roofline.
- b. Projecting signs may not exceed 50 percent of the allowable sign area.
- c. One freestanding sign up to 100 square feet; not higher than 30 feet; not closer than 50 feet to another freestanding sign; not closer than five feet from any property line.
- d. For freestanding signs installed along U.S. Highway 12 (6th Avenue), an additional 45 percent of the sign area may be added for decorative framing, brickwork, or similar facade applications; provided however, that such additional area may not include advertising of any type.

- (2) *Area identification.*

- a. One freestanding sign per commercial development, provided that no other freestanding sign is displayed on the property.
 - 1. Maximum size shall be 200 square feet.
 - 2. Maximum height shall be 30 feet.
 - 3. Shall be setback a minimum of ten feet from any property line.

- (3) *Residential signs.* Only signs allowed in R-1, R-2 or R-3 districts shall be allowed for residential uses.

- (4) *Off-premises signs.* Off-premises signs may be allowed as a special exception.

- (5) *Aberdeen Commercial Historic District,* which is bordered by 6th Avenue SE/SW on the south, Railroad Avenue SE/SW on the north, the public alley right-of-way between Main Street S. and 1st Street S. on the west, and the public alley right-of-way between Main Street S. and Lincoln Street S. on the east.

- a. *Characteristics.* This district was created with the goal of preserving the historic nature of the Aberdeen Commercial

Historic District while maintaining overall economic health within the district.

b. *General provisions applicable to entire district.*

1. Signs must be directly attached to the building and will be permitted only on main street frontages, side street frontages, and alley entrances.
2. No sign shall be located above the roofline of any building within the district.
3. The allowance set forth in subsection 60-341(e)(1) shall not apply to the Aberdeen Commercial Historic District as no sign in the district shall be internally illuminated.
4. No sign shall include changeable copy.
5. Signs shall not include electronic components, such as message boards, video and graphic displays, or any electrically driven mechanical movement.
6. Signs shall not have wind-blown moving components, such as pennants, ribbons, streamers, spinners, flags, banners or strings of light bulbs.
7. No sign shall swing or otherwise noticeably move as a result of wind pressure.
8. Building names or designations are also permitted on the building provided they are part of the architecture of the building facade: ex. McQuillen Block, Capital Building, VanSlyke Block.
9. Total signage, not including alley signage and under canopy signage, may equal 20 percent of the building face area or 100 square feet, whichever is greater.
10. Off-premises signs as defined by section 60-341 are prohibited within the Aberdeen Commercial District.
11. All signs must adhere to the regulations set forth in section 60-341.

c. *Permitted Signs.* The following sign types may be permitted without further review as long as they meet all listed criteria for the district and designated sign type.

1. *Blade signs.*

- i. Blade signs shall not exceed 16 square feet.

- iv. *Temporary Window Art.* Temporary window art may cover up to 50% of available window area and is allowed only for decoration purposes. Window art shall not be used for commercial advertising. All window art shall be removed entirely one week after the promoted holiday and/or event. Temporary window art does not require a permit.

- (6) Premises located in the Aberdeen Commercial Historic District shall not be required to conform to the provisions of subsection 60-340(h)(5) unless there is a change in size, shape, location, content, or design of signage.

(i) *I-1 industrial park district.* In industrial park districts all signs must comply with the following:

- (1) Area identification signs.
 - a. One freestanding sign up to 400 square feet per side of sign area; one per major thoroughfare.
 - b. Maximum height of 35 feet.
 - c. Minimum 20-foot setback from property line.
- (2) Business identification signs.
 - a. One freestanding sign up to 100 square feet of sign area; maximum height of 20 feet.
 - b. Wall sign up to 20 percent of the building face.
 - c. Minimum 20-foot setback from property line.
- (3) Off-premises signs. Off-premises signs are not allowed.

(j) *I-2 unrestricted industrial district.* In unrestricted industrial districts all signs must comply with the following:

- (1) Area identification signs.
 - a. One freestanding sign up to 400 square feet per side of sign area.
 - b. Maximum height of 35 feet.
 - c. Minimum 20-foot setback from property line.
- (2) Business identification signs.
 - a. A total sign area of two square feet for each lineal foot of frontage shall be allowed. If the building has multiple frontage, an additional

one square foot for each additional lineal foot of frontage shall be allowed.

- b. All types of on-premises signs are allowed.
- c. Minimum 20-foot setback from property line.

(3) Off-premises signs. Off-premises signs are allowed as per section 60-341(a).

(k) *M-AG mini-agricultural district*. In M-AG district only signs allowed in A-1 district shall be allowed in M-AG district.

(l) *R-2A manufactured housing medium density residential district*. In R-2A district only signs allowed in R-1 district shall be allowed in R-2A district.

(m) *HC health care district*. In HC district only signs allowed in C-2 district shall be allowed in HC district.

(Ord. No. 1411, § 4, 3-30-1976; Ord. No. 04-02-02, §§ 17—19, 3-1-2004; Ord. No. 11-08-06, 9-27-2011; Ord. No. 14-04-06, 5-5-2014; Ord. No. 15-11-02, 12-1-2015)