

12

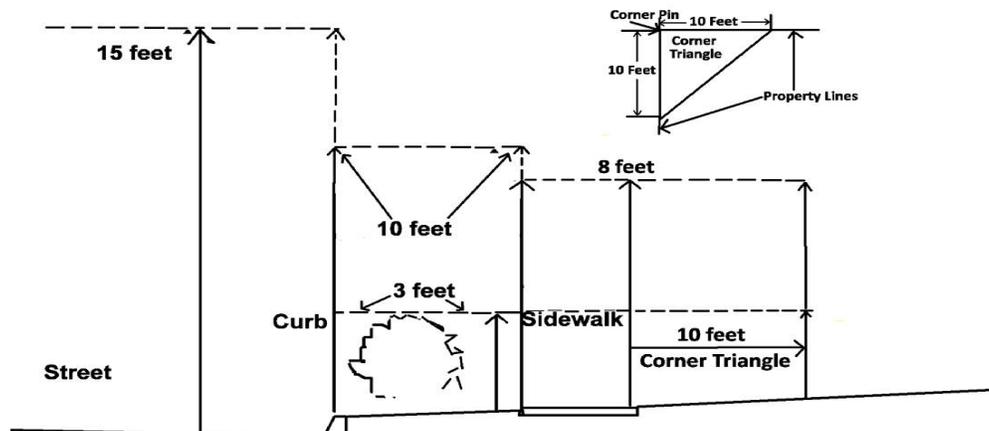
ADDITIONAL USE REGULATIONS

12.01 Reserved

12.02 Visibility at Intersections and Driveways

- A. Intersection safety zones: With the exception of trees as stated below, no monument style sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within a triangular area of a corner lot that is included by measuring straight lines along the property lines at points 10 feet distant in each direction from the corner property pin and a straight line connecting the first two lines. If trees are planted within the Intersection Safety Zone their canopy must be maintained at a height of not less than eight (8) feet above the established grade, or one third (1/3) of their total height if their immature height is less than twenty four (24) feet. Tree species with a mature height of less than 24 feet shall not be planted in the Intersection Safety Zone. (See Figure 1)
- B. Driveway safety zones: No monument style sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten feet behind the curb line. (See Figure 1)

Figure 1



12.03 Accessory Buildings/Structures

- A. No accessory building or structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building or structure shall be used unless the main building on the lot is also being used for its intended purpose.
- B. No accessory buildings or structures may be located within any front yard.
- C. Accessory buildings or structures shall be located at least three (3) feet from all property lines.
- D. Accessory buildings or structures shall not exceed fifty (50) percent of the entire property.
- E. Accessory buildings or structures with a gross floor area less than 120 square feet do not require a finished foundation. However, they must be anchored to the ground by fasteners or another appropriate method.
- F. Accessory buildings or structures with a gross floor area greater than 120 square feet must have a finished foundation made from concrete or other appropriate materials. Further, they must be accessible by a concrete driveway, suitable for the unobstructed passage of motor vehicles, that connects the building to the lot's adjacent roadway.
- G. No accessory building may be placed within an easement. Any existing accessory building placed within an easement that impedes the accessor intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- H. No accessory building may be placed within drainageways and/or on drainage easements.
- I. A garage which is entered directly from an alley shall not be closer than ten (10) feet to the property line abutting the alley.
- J. Accessory buildings/structures may not be used for dwelling purposes.
- K. Cloth, canvas, plastic sheets and tarps, corrugated metal roofing or siding, and similar materials are not allowed as primary materials, except greenhouses and carports are allowed to have sheeting (glass or plastic) of prescribed building thickness as an outer covering. Standing seam metal roofing will be acceptable.

(Amended: Ordinance No. 575, Section 1, 05-08-17)

12.04 Off-Street Parking

- A. General Conditions
 - 1. No parking spaces are permitted in the required front yard in an R-1, R-2 or R-3 District except for portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this Ordinance. Parking is permitted in a side yard or rear

yard in an R-1, R-2 or R-3 District, provided it is not nearer than 2 feet to the property line.

2. Each parking space shall be directly accessible to an access aisle.
3. Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle, with a manufacturer’s gross vehicle weight rating over ten thousand (10,000) pounds, in a A, R-1, R-2, or R-3 Zoning District, unless the vehicle is parked in connection with the performance of a service.
4. All required parking spaces, and access drives thereto shall be hard surfaced with concrete, asphalt, pavers or other like durable material not including loose stone or gravel. In the LI and HI Districts, a gravel surface may be used for portions of the site that are intended for the storage of construction equipment and/or supplies. Any gravel surface must be adequately maintained to provide a dust-free surface and adequate drainage.
5. The parking requirements in this section, except 12.04 (A) (4), shall not be applicable to property in the CB Central Business District, except for residential uses which are authorized by a conditional use permit.

B. Required Parking Spaces

In computing the number of required off-street parking spaces the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see TABLE 1 below:

TABLE 1: Minimum Off-Street Parking & Loading Requirements

USES & STRUCTURES	MINIMUM PARKING REQUIREMENTS
Single-family and two-family dwellings	Two spaces for each dwelling unit.
Multiple-family dwellings	One and one-half spaces for each dwelling unit of one bedroom or less. Two spaces for each dwelling unit of two bedrooms or more.
Rooming and boarding houses, sororities and fraternities	One parking space for each two hundred square feet of floor area (one space per two beds).
Bowling alleys	Four spaces per lane.

USES & STRUCTURES	MINIMUM PARKING REQUIREMENTS
Church or temple	One space for each four seats in main setting area.
Private club or lodge	One parking space for each three hundred square feet of floor area.
High school	Four spaces for each classroom or office room, plus one for each one hundred fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Elementary school	Two spaces for each classroom or office room, plus one for each one hundred fifty square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Eating and drinking places	One space for each one hundred square feet of gross floor area or one space for each three seats, whichever is greater.
Hospitals	One space for each bed.
Nursing, convalescent and rest homes	One space for each three beds.
Auditoriums, theaters and places of public assembly	One space for each four seats of design capacity.
Hotels and motels	One space for each two rental rooms.
Funeral homes	One space for each four seats in the chapel.
Retail sales establishments	One space for each three hundred square feet of floor area.
Medical and dental clinics	One space for each two staff members and full-time employees, plus one space for each six hundred square feet of gross floor area.
Manufactured home parks	Two spaces for each manufactured home lot.

USES & STRUCTURES	MINIMUM PARKING REQUIREMENTS
Industrial uses	One and one-half spaces for each two employees on the maximum working shift.
Service establishments	One space for each three hundred square feet of floor area.
Wholesale and distribution establishments	One space for each two employees on the maximum working shift.
Day care center, preschool	One space for each employee on the maximum working shift, plus one space for each ten persons the facility is licensed to enroll. Additional parking or designated area for drop-off and pick-up may be required.

All other uses not specified above shall have minimum off-street parking and off-street loading spaces as determined by the Planning Commission.

12.05 Off-Street Loading Requirements

There shall be provided at the time any building is erected or structurally altered, off-street loading spaces for the following uses.

Use	Gross square feet floor area	Number of Off-street loading spaces
Office Buildings	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space
Retail, Service and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space Two 14' x 35' spaces Add one 14' x 35' space

12.06 On-Premise Signs

Districts	Permitted Signs	Sign Area (maximum)	Sign Height (maximum)
A, R-1, R-2, R-3 for specified uses only*	Freestanding	50 square feet	6 feet above grade
R-1, R-2, R-3	Wall	1 square foot	On wall only
CB & GB	Wall, roof, and	2 square feet per 1 foot of	Wall = on wall only

	projecting	lineal street frontage with a maximum of 200 sq. ft.	Roof and projecting = 5 feet above roof line
CB & GB	Freestanding	1 square foot per 1 foot of lineal street frontage	GB = 30 feet above grade CB = 18 feet above grade
LI & HI	Freestanding	1 square foot per 3 lineal feet of street frontage	20 feet above grade
LI & HI	Wall, roof, and projecting	1 square foot per 3 lineal feet of street frontage	Wall = on wall only Roof and projecting = 5 feet above roof line

* Specified uses are listed within the district's permitted uses applicable standard tables (sections 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01 and 6.02)

12.07 Off-Premise Signs

Off-premise signs are allowed in the GB, LI and HI Districts subject to the following regulations:

- A. Off-premise signs will be allowed a maximum size of 288 square feet.
- B. Signs will be allowed a maximum height of 40 feet; and a minimum height of 12 feet.
- C. There will be a minimum setback for the sign face of 10 feet and a minimum setback for the sign structure of 22 feet.

12.08 Fences

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. For R-1, R-2, R-3, CB or GB District, no barbed wire fence shall be erected or maintained.
- B. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- C. For R-1, R-2, R-3, or CB District - Fences not more than six (6) feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four (4) feet in height may be located on any part of the lot if the lot is located on a corner, as defined in Section 20.02 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet in height, a fence constructed at six feet in height shall be set back a minimum of 15 feet from the property line.
- D. For GB, LI, or HI District - Fences not more than eight (8) feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use. Where it is demonstrated that for security purposes the perimeter fencing

around a building located in an LI or HI District must be higher than eight feet in height it may be approved through a Conditional Use Permit.

- E. No fence shall be erected which violates *12.02 - Visibility at Intersections*.
- F. To preserve the neighborhood character of the Residential districts, fences along the perimeter of a front yard shall be open (at least 50% of the surface area in open spaces).
- G. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight (8) feet and for public tennis courts twelve (12) feet on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- H. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- I. The side of the fence considered being the face (facing as applied to fence post) should face abutting property.
- J. The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.

12.09 Telecommunications Tower, Antenna Support Structures and Wireless Communications Facilities

Regulations regarding development of telecommunications towers, antenna structures and wireless communications facilities are intended to encourage the development of a competitive wireless communications marketplace while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The regulations cover the placement, construction, and modification of telecommunications facilities.

- A. A minimum distance of three hundred (300) feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
- B. A minimum distance of ½ mile between telecommunications towers measured from the base of one telecommunications tower to the base of another except when an existing antenna support structure is used to co-locate a wireless communication facility.
- C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
- D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized person to climb.

12.10 Site-Built Single-Family and Multi-Family Dwelling Standards

- A. All single-family dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- B. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal.
- C. Exterior walls shall be constructed of materials commonly used on the exterior walls of residential structures (such as brick, concrete composite board, artificial or natural stone, exterior grade natural or composite wood, stucco or residential lap siding).
- D. No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation as defined in these regulations, excepting manufactured homes placed in an approved R-3 district. The Zoning Administrator or his or her designee shall inspect and authorize all dwellings moved into the City of Lennox. For the purposes of these regulations, manufactured housing shall be allowed only in the R-3 Manufactured Housing Residential District.

12.11 Landscaping Standards

It is the desire of the City of Lennox to encourage development which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

- A. Within any zoning district, at least 90 percent of the required front yard setback shall be landscaped and maintained with grass or other living ground cover except for the portion of the front yard necessary for hard surfaced driveways (see 12.04).
- B. Within GB, LI and HI districts, one tree per 50 feet of lot address frontage is required. Trees within right-of-way do not count toward total. No more than 25 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees.
- C. Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.
- D. The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod, seed, or other living ground cover. Only deciduous shade trees may be planted in the street right-of-way.
- E. Required landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be 1 3/4 inch caliper and

all deciduous ornamental shall be 1 1/4 inch caliper. These requirements are considered to be minimum requirements, and under no circumstances shall these measurements be lowered.

- F. All off-street parking lots, whether or not located on the same lot as the use to which it is accessory, shall meet the following perimeter landscaping requirements:
1. A landscaping strip with a minimum width of five (5) feet shall be located between the parking lot and the adjoining lot lines.
 2. A minimum of one shade tree for every fifty (50) feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or with low shrubs shall be used as the primary landscape materials.
 3. A fence, wall or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is located adjacent to residentially used property or across right-of-way from residentially use property. Berms or other landscaping techniques may be used for all or part of the six foot screening if they have a maximum grade of three feet horizontal to one foot vertical and sodded or planted with other acceptable materials.
 4. The Planning Commission may modify the perimeter landscaping requirements.
- G. Lighting Standards: Lighting of all types, excluding street lighting and traffic signals, shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public right-of-way, so as to create a traffic hazard. When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:
1. The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).
 2. The maximum height of light luminaries shall be 25 feet above the ground.
 3. Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.
 4. The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Luminaries Lamp wattage}} = \text{Maximum No. of}$$

All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

(Amended: Ordinance No. 575, Section 2, 05-08-17)

12.12 Home Occupations

Home occupations are those secondary uses allowed on a premises in conjunction with the following:

- A. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use.
- B. There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a dwelling. There is used no sign which is attached to the building other than a nameplate. The sign shall not be illuminated or more than one square foot in area.
- C. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling.
- D. No merchandise, including samples, can be sold on the premises.
- E. Materials that are combustible, toxic or consist of any animal or vegetable matter cannot be stored on the premises.
- F. Any process which will cause odor, dust, glare, noise, heat or vibration which would have a negative effect on adjacent properties would not be allowed.

12.13 Manufactured Home Requirements

- A. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. Metallic roofing surfaces shall not be permitted.
- B. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than 14 feet, as measured across the narrowest portion.
- C. The use of corrugated sheet metal for the exterior walls is prohibited.

- D. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.
- E. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than 4 feet below grade, or with tie downs installed as recommended by the manufacturer, but in no event more than 12 feet apart along the perimeter of the structure. Such tie downs shall extend down no less than 4 feet below grade.
- F. The manufactured home park shall be connected to a central water distribution system and a central wastewater collection and treatment system.
- G. If an individual manufactured home, which does not meet the standards of this section, but has been allowed to continue as a non-conforming use, is moved out of a manufactured home park, then any manufactured home installed in its place shall comply with all of the requirements of this section.
- H. Each manufactured home shall be skirted with material approved by the Zoning Administrator. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material which is compatible with the appearance and condition of neighboring dwelling units. Appropriate materials shall include commercially manufactured colored steel, fiberglass, plastic, or masonry materials. Tie downs and skirting shall be installed prior to occupancy.

12.14 Bed and Breakfast Establishments

- A. Bed and Breakfast establishments shall be limited to a residential structure.
- B. They shall be in compliance with applicable state laws including South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
- C. Such uses shall be an incidental use with an owner-occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
- D. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.
- E. The length of stay shall not exceed 14 days during any 120 day consecutive period.
- F. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

12.15 Wind Energy Conversion Systems

- A. General. Wind energy conversion systems shall be allowed as conditional uses in certain zoning districts. In addition to the standards set forth in Chapter 19 regarding all conditional uses, all wind energy conversion systems shall also meet all requirements of Section 12.15 herein.
- B. Required setbacks. A WECS shall be set back a distance equal to no less than 1.1 times the total height of the structure between the base of the WECS and the nearest property line.
- C. Tower height. In no event shall the height of a wind energy conversion system exceed 55 feet in a A, R-1, R-2 District or 150 feet in a GB, LI or HI District as measured from the ground to the rotor hub.
- D. Rotor clearance. Blade-arcs created by the WECS shall have a minimum of twenty (20) feet of clearance over any structure or tree. WECS attached to principal or accessory structures are exempt from this requirement.
- E. Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind or in conditions of imbalance.
- F. Noise. No wind energy conversion system shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the wind energy conversion system shall be submitted at the time of the submittal of the conditional use application, ensuring that this requirement can be met once the system is operational.
- G. Electromagnetic interference. WECS shall be designed and constructed so as not to cause interference with radios, televisions or other electronic devices.
- H. Access. Appropriate safety measures must be undertaken to discourage unauthorized climbing of a wind energy conversion system tower.
 - 1. The tower shall not be climbable for a height of eight (8) feet above the ground unless the applicant proves it would not be a public hazard.
 - 2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.
- I. Warning information. Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the wind energy conversion system shall be posted near the base of the tower in a visible location.
- J. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by the FAA or other State or Federal agency.

- K. Manufacturer warranty/maintenance information. Upon application for a conditional use for a wind energy conversion system, the petitioner shall submit a manufacturer's statement documenting that the system has been successfully and safely operated in atmospheric conditions that are similar to conditions in Lennox.
- L. Construction standards. Any wind energy conversion system shall be constructed in accordance with all applicable life, safety, building and fire codes including but not limited to the following:
1. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the City Building Code especially with regards to wind and icing loads. Drawings and engineering calculations shall be certified by a registered structural engineer.
 2. Roof-mounted WECS shall include detailed plans illustrating roof construction, mounting techniques and wind load capacity.
 3. Lightning Protection. Any wind energy conversion system shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.
 4. All WECS shall conform to applicable industry standards, as well as local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories or an equivalent third party.