

Bakker Landing Subdivision Planned Development District

Developer: C-Lemme Companies, LLC

Owner: Sundowner Investments, LLC

Proposed Zoning: Planned Development District

Engineer: Infrastructure Design Group

Attachments:

Appendix A: Off-Street Parking Requirements

Appendix B: Landscape Standards

Appendix C: Definitions

Appendix D: Future Land Use Definitions

Appendix E: PD Subarea Map

Zoning District & Tea Comprehensive Plan Summary:

A. Planned Development District:

The Planned Development District is intended to provide flexibility from conventional zoning and encourage more creative, high quality urban design with special consideration given to projects which incorporate desirable design features, including but not limited to increased building design standards or unique use of open spaces within the business park. The Bakker Landing Preliminary Plan subdivides the area into four subareas combining GB – General Business Commercial, LI – Light Industrial Districts and some mixed-use commercial opportunities toward the north end of the development.

B. 2040 Tea Comprehensive Plan:

The revised Future Land-use Plan for this area designates the frontages along Hwy 106 and 85th Street to be Regional Commercial. The intended uses include large-scale retail and entertainment located along high traffic corridors and intended to serve the entire region. These retail areas typically consist of large box stores and multi-tenant shopping centers.

The area between the regional commercial is designated as Business Park intended for larger scale employment and business activities including Offices, corporate campuses, medical centers, research and development and testing facilities, light manufacturing and assembly (no food or animal products, chemicals, or other materials or processes that produce an odor are permitted), and indoor warehousing, shipping, distribution facilities with outdoor storage limited to licensed and operable commercial vehicles, semi-trucks and semi-trailers, and box trucks and vans, and shipping containers. Limited support retail uses (including restaurants, hotels, office supply stores, coffee shops, and dry-cleaners) may be allowed to support office and industrial uses within this land-use.

C. Building Permits & General Design Standards:

Current Building Codes: 2015 IBC, 2015 IMC, 2015 IPMC

Tea Zoning Ordinance: Commercial Overlay District – Section 11:15

Intent. In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive, as well as financially prosperous and the manner in which a use is accomplished is as important as the use. The quality of architecture and building construction is important to the preservation and enhancement of building and property values, prevention of the physical deterioration of buildings and the promotion of the image of

the community and the general welfare of its citizens. Architectural plans and Engineering Site Plan for the construction of any building shall be subject to final approval by the City.

Architectural Standards by Zoning District and Use shall be implemented as defined in the Subarea regulations identified in the Bakker Landing Planned Development District.

Architectural plans for buildings shall be submitted simultaneously with an application for site plan review as required in Chapter 15. Documentation to be submitted shall include building elevations showing the building's design and exterior materials and any other information as deemed necessary to make a determination. Detailed information relating to any lighting or signage on the structure shall be provided, including backlit material or accent lighting.

Bakker Landing Planned Development District:

This district is intended to allow for a combination of office, commercial, business park developments, and other uses within the designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Tea. Such Planned Development shall require increased building design standards as set forth in the following Subarea A, Subarea B, Subarea C, Subarea D or Subarea NRC regulations.

1.0 Subarea A: (Red) The 28.01 acres fronting Co. Hwy. 106 (Gateway Boulevard) and I-29. Shown as red within the Bakker Landing Preliminary Development Plan.

- 1.01 Intent
- 1.02 Permitted Uses
- 1.03 Conditional Uses
- 1.04 Permitted Accessory Uses
- 1.05 Permitted Temporary Uses
- 1.06 Lot, Yard, and Height Regulations
- 1.07 Use Limitations
- 1.08 General Design Standards

1.01 Intent:

This subarea is designed to accommodate numerous commercial uses, including those that may have significant visual or traffic impacts. It is designed for commercial uses that serve an area beyond the adjacent neighborhood. This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is to be used in areas noted as Regional Commercial in the Comprehensive Plan. The Commercial uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Tea

1.02 Permitted Uses.

Building or premises shall be permitted to be used for the following purposes in Subarea A:

- A. Business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
- B. Child care center.
- C. Dance studio, not including uses defined in Adult Establishment.
- D. Museums, art galleries, and other publicly owned cultural facilities.
- E. Community center.
- F. Public services.
- G. Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- H. Adult day care center.

- I. Off-Sale Alcoholic Beverage Establishment. (Subject to place 500 feet from a School)
- J. On-Sale Alcoholic Beverage Establishment. (Subject to place 500 feet from a School or Church)
*Restaurants are excluded from this setback.
- K. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - 1. Apparel shop.
 - 2. Appliance store.
 - 3. Antique store.
 - 4. Automobile parts and supply store.
 - 5. Automobile, display, sales, service and repair. (Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired, not exceeding 21 days.
 - 6. Amusement arcades.
 - 7. Automated teller machines when not within the interior of a primary use.
 - 8. Business or trade school.
 - 9. Bakery shop (retail).
 - 10. Barber and beauty shop.
 - 11. Bicycle shop.
 - 12. Book store, not including uses defined in Adult Establishment.
 - 13. Brew-on premises store.
 - 14. Big box retail.
 - 15. Bowling center.
 - 16. Brew pubs, Microbreweries when in conjunction with a restaurant.
 - 17. Bar and cocktail lounge. (Subject to place beyond 500 feet from a school or church and not including uses defined in Adult Establishment)
 - 18. Coffee kiosks.
 - 19. Commercial greenhouse.
 - 20. Car wash. (Five storage spaces for each bay beyond off-street parking requirements and water from the car wash contained on the site.
 - 21. Convenience store with limited fuel sales.
 - 22. Camera store.
 - 23. Communication services.
 - 24. Computer store.
 - 25. Confectionery.
 - 26. Dairy products sales.
 - 27. Drug store.
 - 28. Dry cleaning and laundry pickup.
 - 29. Health clubs and tanning salon, not including uses defined in Adult Establishment.
 - 30. Health Recreation Facilities, not including uses defined in Adult Establishment.
 - 31. Home Improvement Center; provided the following minimum standards are present:
 - a) All lumber shall be enclosed with the primary structure.
 - b) All year around landscaping materials shall be enclosed within the primary structure.
 - 32. Hotels, including restaurants, convention and meeting facilities and other related uses.
 - 33. Farm Store, Feed Store (Subject to only accessory storage of fertilizer or farm chemicals on the site.)
 - 34. Floral shop.
 - 35. Food sales (general).
 - 36. Furniture store or showroom.

37. Garden supply and retail garden center.
38. Gift and curio shop.
39. Gunsmith.
40. Hardware store.
41. Hobby, craft, toy store.
42. Jewelry store.
43. Liquor store. (Subject to place beyond 500 feet from a School)
44. Locksmith.
45. Meat market, retail.
46. Meat Locker
47. Mortuary.
48. Medical and Dental office.
49. Meeting halls, not including Adult Establishment.
50. Motels
51. Music retail store.
52. Music studio.
53. Mail order services.
54. Newsstands, not including uses defined in Adult Establishment.
55. Outlet retail store.
56. Paint store.
57. Pet shop, provided that all facilities are fully enclosed.
58. Pet Hotel/Kennel, provided that all the facilities are fully enclosed. No outside kennels.
59. Photographer.
60. Picture framing shop.
61. Reservation center.
62. Restaurants, cafes and fast food establishment.
63. Restaurants with Drive-Thru facilities
64. Shopping center.
65. Second hand stores.
66. Shoe store.
67. Sporting goods.
68. Stamp and coin stores.
69. Tailors and dressmakers.
70. Tanning salon.
71. Tattoo and body piercing parlor.
72. Travel agencies.
73. Truck Stop
74. Video store, not including uses defined in Adult Establishment.
75. Social club and fraternal organizations, not including uses defined in Adult Establishment
76. Telephone exchange.
77. Telephone answering service.
78. Public overhead and underground local distribution utilities.
79. Recreational establishments.
80. Variety store, not including uses defined in Adult Establishment.
81. Pinball or video games business.
82. Totally enclosed, automated and conveyor-style car washes.
83. Religious institutions.
84. Veterinary Services.

- 85. Animal Hospitals, provided the following:
 - Said use is totally enclosed within a building.
 - Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
 - This excludes uses for livestock and other large animals.
- 86. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 87. Service station with minor automobile repair services.
- 88. Tire store and minor automobile repair service.
- 89. Radio, television and communication towers and transmitters, as per Section 11.09.

1.03 Conditional Uses.

A building or premises may be used for the following purposes in the Subarea A, if a Conditional Use for such use has been obtained in conformance with the requirements of Chapter 18.

- A. Light Manufacturing
- B. Printing Plant
- C. Telecommunication Tower and Broadcast Tower
- D. Wireless Communication Facility

1.04 Permitted Accessory Uses.

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Appendix A.
- C. Signs allowed in Section 11.06.
- D. Landscaping as required by Ordinance 181 or Appendix B.
- E. Incidental public safety uses such as emergency sirens.
- F. Accessory Alcohol – does not include restaurants.

1.05 Permitted Temporary Uses.

- A. Temporary greenhouses.
- B. Temporary structures as needed for sidewalk and other outdoor sales events.
- C. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- D. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- E. Temporary structure for festivals or commercial events.

1.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	10,000	100	25	10	10 ²	20	45 ^{1,2}	70/90
Conditional Uses	10,000	100	25	10	10 ²	20	45 ^{1,2}	70/90

#1 A Conditional Use Permit will be required for any structure having maximum height exceeding 45 feet.
 #2 Height restrictions within the runway approach zone as set forth by the FAA.

1.07 Use Limitations:

- A. Parking lots may extend 10 feet into the front yard setback.
- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- C. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

1.08 General Design Standards:

- A. Building architectural design within this subarea shall recognize the importance of material strength and permanency through the selection of building materials, and the principle of structural strength and permanency shall dominate the structural and exterior materials and components.
- B. Single story buildings and structures whose primary building frontage is visible from either Lincoln Co Hwy 106 or Interstate 29 shall have a reasonable coverage of the building frontage sidewall, finished with any or a combination of; brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S.. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. The same shall be extended for a distance extending at least 25% of the total wall length beginning at the primary frontage wall and extending along the adjacent walls. Brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units with mortared joints, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.
- C. Multi-story buildings and structures whose primary building frontage is visible from either Lincoln Co Hwy 106 or Interstate 29 shall have a reasonable coverage of the building frontage sidewall finished with any or a combination of; brick, cultured or natural stone, pre-fabricated concrete masonry units (CMU) with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. The same shall be extended for a distance extending at least 25% of the total wall length beginning at the primary frontage wall and extending along the adjacent walls. Brick, cultured or natural stone, pre-fabricated masonry with mortared seams, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.
- D. Buildings and structures whose visible roofs (such as mono slope, gable or hip style) are metal surfaced must be a factory painted standing seam metal roof system (or equivalent). Any other visible roofing materials must be a factory painted standing seam metal roof (or equivalent) or architectural grade laminated asphalt shingle (or an alternative product in similar appearance). Materials or systems to be applied as roofing in areas that are not visible from a ground level perspective may be determined by the contractor, architect, or owner of the structure.

2.0 Subarea B: (Blue) The 83.34 acres primarily along the east side of the development and I-29. These lots will be visible from the interstate.

- 2.01 Intent
- 2.02 Permitted Uses
- 2.03 Conditional Uses
- 2.04 Permitted Accessory Uses
- 2.05 Permitted Temporary Uses
- 2.06 Lot, Yard, and Height Regulations
- 2.07 Use Limitations
- 2.08 General Design Standards

2.01 Intent:

This subarea is designed to accommodate numerous commercial and business park uses with significant visual impact along I-29. The Subarea is also intended to allow for a combination of high density residential, office, limited light industrial and other business park uses as outlined in the Tea Comprehensive plan. The area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into the City of Tea.

2.02 Permitted Uses.

Building or premises shall be permitted to be used for the following purposes in Subarea B.

- A. All the Permitted Uses in Subarea A.
- B. Mixed-use Commercial.
- C. Multi-family Residential.
- D. Light Manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
- E. Manufacture and assembly of electrical and electronic appliances.
- F. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- G. Farm implement sales, display, and service.
- H. Bus Passenger Terminal
- I. Lumber Yard.
- J. Truck Repair, Sales and Service (No unscreened outdoor storage of parts)

2.03 Conditional Uses.

A building or premises may be used for the following purposes in the Subarea B, if a Conditional Use for such use has been obtained in conformance with the requirements of Chapter 18.

- A. Telecommunication Tower and Broadcast Tower
- B. Wholesale Trade
- C. Warehouse (The materials stored on premise shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.)
- D. Wireless Communication Facility
- E. Automobile Storage Yard
- F. Paper Manufacturing; fabrication and processing of products inside and enclosed building.
- G. Distillation of Products
- H. Contractor Shops/Storage Yard
- I. Adult Oriented Business (SDCL 11-12)

2.04 Permitted Accessory Uses.

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Appendix A.
- C. Signs allowed in Section 11.06.
- D. Landscaping as required by Ordinance 181 or Appendix B.
- E. Incidental public safety uses such as emergency sirens.
- F. Accessory Alcohol – does not include restaurants.

2.05 Permitted Temporary Uses.

- A. Temporary greenhouses.
- B. Temporary structures as needed for sidewalk and other outdoor sales events.
- C. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.

- D. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- E. Temporary structure for festivals or commercial events.

2.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	10,000	100	25	10	20	20	45 ^{1,2}	70/90
Multi-family Dwelling	2500 per unit	100	25	10	25	20	45 ^{1,2}	50/80
Conditional Uses	10,000	100	25	10	20	20	45 ^{1,2}	70/90

#1 A Conditional Use Permit will be required for any structure having maximum height exceeding 45 feet.

#2 Height restrictions within the runway approach zone as set forth by the FAA.

2.07 Use Limitations:

- A. Parking Lots may extend 10 feet into the front yard setbacks.
- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- C. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use

2.08 General Design Standards:

- A. Building architectural design within this subarea shall recognize the importance of material strength and permanency through the selection of building materials, and the principle of structural strength and permanency shall dominate the structural and exterior materials and components.
- B. Single story buildings and structures whose primary building frontage is visible from Interstate 29 shall have reasonable coverage of the building frontage sidewall finished with any or a combination of; brick, cultured or natural stone, pre-fabricated concrete masonry units (CMU) with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S.. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. The same shall be extended for a distance extending at least 25% of the total wall length beginning at the primary frontage wall and extending along the adjacent walls. Except as noted herein, the remaining sidewalls may be finished in similar fashion as the primary building frontage, or with any or a combination of brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units with mortared joints, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.
- C. Multi-story buildings and structures whose primary building frontage is visible from Interstate 29 shall have a reasonable coverage of the building frontage sidewall finished with any or a combination of; brick, cultured or natural stone, pre-fabricated concrete masonry units (CMU) with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. Except as noted herein, the remaining sidewalls may be finished in similar fashion as the primary building frontage, or with any or a combination of brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units

with mortared joints, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.

- D. Buildings and structures whose visible roofs (such as mono slope, gable or hip style) are metal surfaced must be a factory painted standing seam metal roof system (or equivalent). Any other visible roofing materials must be a factory painted standing seam metal roof (or equivalent) or architectural grade laminated asphalt shingle (or an alternative product in similar appearance). Materials or systems to be applied as roofing in areas that are not visible from a ground level perspective may be determined by the contractor, architect, or owner of the structure.

3.0 Subarea C: (Tan) The 84.34 acres along primarily on the west side of the development and along Sundowner Avenue.

- 3.01 Intent
- 3.02 Permitted Uses
- 3.03 Conditional Uses
- 3.04 Permitted Accessory Uses
- 3.05 Lot, Yard, and Height Regulations
- 3.06 Use Limitations
- 3.07 Performance Standards
- 3.08 General Design Standards

3.01 Intent. It is the intent of Subarea C to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

3.02 Permitted Uses. The following principal uses are permitted in Subarea C.

- A. The Permitted Uses in Subarea A and B.
- B. Light Manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
- C. Laboratories.
- D. Contractor Shops/Storage Yard
- E. Auto body repair. (An adequate number of parking spots to store the cars and screen parts and materials from view.)
- F. Manufacture and assembly of electrical and electronic appliances.
- G. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- H. Farm implement sales and service. (Screening of all outdoor storage from view)
- I. Manufacture of light sheet metal products including heating and ventilation equipment.
- J. Printing and publishing business.
- K. Stone and monument works.
- L. Public local distribution and main transmission utilities.
- M. Warehouses. (The materials stored on premise shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials.)
- N. Wholesale Trade.
- O. Building materials yards with enclosed and screened storage areas.
- P. Highway maintenance yards or buildings.
- Q. Veterinarian services or animal hospitals.
- R. Outdoor storage facilities for Recreational Vehicles, campers, and similar vehicles.
- S. Automotive sales and service, including recreational vehicles such as boats and campers.

- T. Automotive rental/leasing and other heavy equipment rental.
- U. Ancillary parking.
- V. Construction and contractor storage yards.
- W. Recycling collection facilities-
- X. Railroads, including terminals, switching yards, and related facilities.
- Y. Dry cleaning.
- Z. Health clubs and tanning salons, not including those classified as an Adult Establishment.
- AA. Dance studios, not including those classified as an Adult Establishment.
- BB. Personal improvement services.
- CC. Commercial recreation facilities, indoor and outdoor.
- DD. Public services and publicly owned and operated facilities.
- EE. Parks and recreation. Landscape and horticultural services.
- FF. Business services.
- GG. Facilities for building construction contractors.
- HH. Self-Storage Units
- II. Cabinetry millwork.
- JJ. Construction and heavy equipment sales and service-

3.03 Conditional Uses. The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the subarea.

- A. Radio, television and communication towers and transmitters, as per Section 11.09.
- B. Fertilizer transmission lines.
- C. Utility substations, terminal facilities, and reservoirs.
- D. Auction Sales.
- E. Research facilities.
- F. Truck terminal and dock facilities to include truck washing.
- G. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use.
- H. Correctional facilities.
- I. Kennels, provided that all the facilities are fully enclosed. No outside kennels.
- J. Lumber and other building materials dealer.
- K. Distillation of Products
- L. Paper Manufacturing
- M. Adult Oriented Business (SDCL 11-12)

3.04 Permitted Accessory Uses.

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Appendix A.
- C. Signs allowed in Section 11.06.
- D. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
- E. Landscaping as required by Ordinance 181. Appendix B

3.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	15,000	100	25	10	10	20	45 ^{1,2}	70/90
Conditional Uses	15,000	100	25	10	10	20	45 ^{1,2}	70/90

- #1 A Conditional Use Permit will be required for any structure having maximum height exceeding 45 feet.
#2 Height restrictions within the runway approach zone as set forth by the FAA..

3.07 Use Limitations:

- A. Parking lots may extend into the front yard setback 10 feet.
- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- C. No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.
- D. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

3.08 General Design Standards:

- A. Architectural design shall employ materials common in the subarea and vicinity of the building.
- B. Buildings and structures sidewalls may be finished with any or a combination of brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units with mortared joints, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable.
- C. On buildings and structures whose roofs are metal surfaced, the use of a good quality and durable finish (unpainted or galvanized finish being unacceptable) is required. Materials or systems to be applied as roofing in areas that are not visible from a ground level perspective may be determined by the contractor, architect, or owner.

4.0 Subarea D: (Green) The 29.92 acres fronting 85th Street, Sundowner Avenue and I-29. Shown as green within the Bakker Landing Preliminary Development Plan.

- 4.01 Intent
- 4.02 Permitted Uses
- 4.03 Conditional Uses
- 4.04 Permitted Accessory Uses
- 4.05 Permitted Temporary Uses
- 4.06 Lot, Yard, and Height Regulations
- 4.07 Use Limitations
- 4.08 General Design Standards

4.01 Intent:

This subarea is designed to accommodate a combination of office, commercial, business park developments, and other uses within the area designated below. This Subarea prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is to be used in areas noted as Regional Commercial in the Comprehensive Plan. The Commercial uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Tea

4.02 Permitted Uses.

Building or premises shall be permitted to be used for the following purposes in Subarea D:

- A. All Permitted Uses in Subarea A.

4.03 Conditional Uses.

A building or premises may be used for the following purposes in the Subarea A, if a Conditional Use for such use has been obtained in conformance with the requirements of Chapter 18.

- A. Light Manufacturing
- B. Telecommunication Tower and Broadcast Tower
- C. Wireless Communication Facility

4.04 Permitted Accessory Uses.

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Appendix A.
- C. Signs allowed in Section 11.06.
- D. Landscaping as required by Ordinance 181 or Appendix B.
- E. Incidental public safety uses such as emergency sirens.
- F. Accessory Alcohol – does not include restaurants.

4.05 Permitted Temporary Uses.

- A. Temporary greenhouses.
- B. Temporary structures as needed for sidewalk and other outdoor sales events.
- C. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- D. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- E. Temporary structure for festivals or commercial events.

4.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	10,000	100	25	10	10	20	45 ^{1,2}	70/90
Conditional Uses	10,000	100	25	10	10	20	45 ^{1,2}	70/90

#1 A Conditional Use Permit will be required for any structure having maximum height exceeding 45 feet.

#2 Height restrictions within the runway approach zone as set forth by the FAA.

4.07 Use Limitations:

- A. Parking lots may extend into the front yard setback 10 feet.
- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- C. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

4.08 General Design Standards:

- A. Building architectural design within this subarea shall recognize the importance of material strength and permanency through the selection of building materials, and the principle of structural strength and permanency shall dominate the structural and exterior materials and components.

- B. Single story buildings and structures whose primary building frontage is visible from either 85th Street or Interstate 29 shall have a reasonable coverage of the building frontage sidewall, finished with any or a combination of; brick, cultured or natural stone, pre-fabricated masonry units with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S.. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. The same shall be extended for a distance extending at least 25% of the total wall length beginning at the primary frontage wall and extending along the adjacent walls. Brick, cultured or natural stone, pre-fabricated concrete masonry (CMU) units with mortared joints, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.
- C. Multi-story buildings and structures whose primary building frontage is visible from either 85th Street or Interstate 29 shall have a reasonable coverage of the building frontage sidewall finished with any or a combination of; brick, cultured or natural stone, pre-fabricated concrete masonry units (CMU) with mortared seams, pre-cast concrete panel sections, decorative style factory finished architectural sheet metal or composite panels, or E.I.F.S. Wood, composites, or cement hardboard siding materials including lap/reveal style, shake style, and board & batten style may be incorporated as finishes, architectural elements, or trim. The same shall be extended for a distance extending at least 25% of the total wall length beginning at the primary frontage wall and extending along the adjacent walls. Brick, cultured or natural stone, pre-fabricated masonry with mortared seams, E.I.F.S., pre-cast concrete panel sections, factory finished metal or composite panels, cement board, or hardboard siding type materials are an acceptable veneer for the remaining sidewall areas.
- D. Buildings and structures whose visible roofs (such as mono slope, gable or hip style) are metal surfaced must be a factory painted standing seam metal roof system (or equivalent). Any other visible roofing materials must be a factory painted standing seam metal roof (or equivalent) or architectural grade laminated asphalt shingle (or an alternative product in similar appearance). Materials or systems to be applied as roofing in areas that are not visible from a ground level perspective may be determined by the contractor, architect, or owner.

5.0 Subarea NRC: (Gray) The 13.89 acres of detention, wetlands, and open space within the development.

- 5.01 Intent
- 5.02 Permitted Uses
- 5.03 Conditional Uses
- 5.04 Permitted Accessory Uses
- 5.05 Permitted Temporary Uses
- 5.06 Lot, Yard, and Height Regulations
- 5.07 Use Limitations

5.01 Intent:

This subarea is designated to preserve lands best suited for drainage areas and public open space. The area will provide protection from floods and erosion, to protect views, to preserve natural settings for wildlife habitats, and add aesthetic quality of the community.

5.02 Permitted Uses.

- A. Public Utility Facility
- B. Electrical Substation

C. Public Park Areas

5.03 Conditional Uses.

A building or premises may be used for the following purposes in the Subarea NRC, if a Conditional Use for such use has been obtained in conformance with the requirements of Chapter 18.

- E. Telecommunication Tower and Broadcast Tower
- F. Wireless Communication Facility

5.04 Permitted Accessory Uses.

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Signs allowed in Section 11.06.
- D. Landscaping as required by Ordinance 181 – Appendix B.
- E. Incidental public safety uses such as emergency sirens.

5.05 Permitted Temporary Uses.

- A. Temporary greenhouses.
- B. Temporary structures as needed for sidewalk and other outdoor sales events.
- C. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- D. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- E. Temporary structure for festivals or commercial events.

5.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Permitted Uses	NA	150	50	30	30	20	45	70/90
Conditional Uses	NA	100	50	30	30	20	45	70/90

Appendix A.

Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements
Adult entertainment establishments	One space per two persons of licensed capacity
Agricultural Sales / Service	One space per 500 s.f. of gross floor area
Amusement Arcades	One space for each 100 s.f. of gross floor area, in addition to one space for each employee on the max. shift
Animal Specialty Services	One space per 300 sq. ft. of gross floor area
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift
Automotive Rental / Sales	One space per 500 s.f. of gross floor area
Automotive Repair Services	Three spaces per repair stall
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity
Boarding Houses / Bed and Breakfasts	One space per rental units
Bowling Alleys	Four spaces per alley
Campground	One space per camping unit
Churches, Synagogues, and Temples	One space per three seats in main worship area
Social Clubs, fraternal organizations	One space per 500 s.f. of gross floor area
College/University	Eight spaces per classroom plus one space per employee
Commercial Recreation	One space per three persons of licensed capacity
Communication Services	One space per 500 s.f. of gross floor area
Construction Sales / Service	One space per 500 s.f. of gross floor area
Convalescent and Nursing Home	One space per three beds plus one per employee on the
Convenience Store with limited fuel sales	One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number
Services	largest shift
Day Care (Child Care Center)	One space per employee plus one space or loading stall per each ten persons of licensed capacity
Duplex	Two spaces per dwelling unit
Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High	Two spaces per classroom

Educational Uses, Secondary facilities High School	10 spaces per classroom plus one space per employee
Equipment Rental / Sales	One space per 500 s.f. of gross floor area
Food Sales (general)	One space per 200 s.f. of gross floor area
Funeral Homes and Chapels	Eight spaces per reposing room
General Retail Sales establishments	One space per 200 s.f. of gross floor area
Group Care Facility	One space per four persons of licensed capacity
Group Care Home	One space per four persons of licensed capacity
Guidance Services	One space per 300 s.f. of gross floor area
Health Club	One space per 200 s.f. of gross floor area, plus one space for each
Hospitals	One space per two licensed beds
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift.
Industrial Uses and Flex Space	.75 times the maximum number of employees during the largest shift
Laundry Services	One space per 200 s.f. of gross floor area
	One space per 500 s.f. of gross floor area
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor
Mobile Home Park	Two per dwelling unit
Multi-family / Apartments / Condominiums	One and a half spaces per bedroom for efficiencies
	and one bedroom units, otherwise one space per
	bedroom Note: This does not include detached garages.
Offices and Office Buildings	One space per 200 s.f. of gross floor area
Recreational Facilities	One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate.
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed
Restaurants (General)	Parking equal to 30 percent of licensed capacity
Restaurants w/ drive-thru	Greater of the two: One space per 40 s.f. of dining area, or
	One space per 150 s.f. of gross floor area; plus five stacking spaces for drive-thru window.
Roadside stands	Four spaces per stand
Self-Service Storage Facilities	Two spaces at the rental office or 1.5 spaces per employee, whichever is greater.
Service Oriented Establishments	One space per 200 s.f. of gross floor area
Special and Vocational Training	One space per 500 s.f. of gross floor area
Theaters, Auditoriums, and Places of Assembly	One space per three persons of licensed capacity
Veterinary Establishments / Pet Health Services	Three spaces per staff doctor
Warehousing	One per 2,000 s.f. of gross floor area
Wholesaling / Distribution Operations	One space per two employees on the largest shift

Gross Floor Area of Use (sq. ft.)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
75,001 – 150,000	3
Over 150,000	4 plus one for each additional 100,000 s.f

Appendix B – Landscape Standards, Ordinance #181

It is the desire of the City of Tea to encourage development which is environmentally sensitive, socially responsive, as well as aesthetically pleasing. To assist in these objectives, a minimum standard for a landscaped setback is prescribed, and landscape features are implemented to minimize the adverse effects commonly incidental to higher density residential, commercial and industrial property improvements. Under no circumstances is the use of artificial plantings acceptable to meet the requirements of this ordinance.

A. Required landscaping of front yard setbacks: At least 90 percent of the required front yard setback in any zoning district shall be landscaped and maintained with living ground cover. The required setback may include necessary hard surfacing of driveways to reach allowable parking, loading or stacking areas. Poured or laid asphalt, concrete or similar hard surfacing shall not be used as allowable landscape material. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting.

B. Trees: Valuing the benefits provided from the use of trees in reducing heat, pollution, and the loss of habitat resulting from the use of expansive areas of hard surfacing for parking purposes, the following standards regarding trees shall be met and maintained:

1. Total number of trees required: Trees shall be required at the rate of one tree per 50 feet of frontage or one tree per six parking, loading and stacking spaces provided on the site, whichever is greater. Where fractional trees result, the number of required trees shall be rounded to the nearest whole number.

Exception: If parking facilities or building can utilize zero setbacks, one tree per 50 feet of frontage shall be provided within the right-of-way subject to approval by the city engineer.

2. Placement according to type and percentage allowed:

Deciduous shade tree--May be utilized for 100 percent of the total tree requirement. Only deciduous shade trees may be utilized for required interior trees or optional right-of-way planting, and no more than 20 percent of the total tree requirement may be planted in the right-of-way area.

Deciduous ornamental and evergreen or coniferous trees --Up to 25 percent of the required trees may be deciduous ornamental, evergreen or coniferous trees; however, they shall not be planted in a driveway or intersection safety zone nor utilized for parking lot interior trees or right-of-way plantings.

3. Interior tree requirements: When unenclosed interior parking spaces are provided on the site, one tree shall be required for every 18 interior parking spaces. Every interior tree shall be located in a planting island entirely within the hard-surfaced area utilized for parking and maneuvering purposes. Said islands shall have dimensions of at least five feet wide and contain a minimum of 36 square feet per tree. Planting islands shall utilize raised curbs or wheel-stops necessary to prevent damage from vehicles.
4. Existing tree bonus: The city encourages preservation of any existing trees on a site which are in good condition and at least one- and three-quarter-inch caliper in size. Such trees may be counted as part of the required number of trees on a site. A credit of two trees toward the number of required trees shall be given for each existing tree on a site that is of an acceptable species which is over ten-inch caliper in size. This credit, however, may not be applied in reducing the number of required interior trees.

5. Unlawful cutting of trees or shrubs: No person may top, severely trim, destroy, or remove any trees, shrubs, or other vegetation in any area where such trees or shrubs are required to be placed under this code. Target pruning of trees shall not exceed 25 percent of the canopy height.
6. Tree and shrubbery replacement: Any required trees or shrubs that are removed shall be replaced with similar plant material size and type in accordance with the standards of this code or permits issued under this code. Any required mature deciduous tree which has been removed shall be replaced with a similar plant type with a two and one-half inch minimum caliper size. Any required mature evergreen or coniferous tree shall be replaced with a similar type tree with a minimum height of six feet. Any required mature shrubbery which is removed shall be replaced with a similar plant type that has a three gallon minimum pot size.

- C. Parking lot buffer areas: A setback area of at least five feet shall be provided between the parking surface and property line where a parking lot abuts neighboring residentially used property.

Exception: Where a screen fence or wall is provided, the required setback may be reduced to two feet.

- D. Parking lot screening: A fence, wall, berm, or shrubbery four feet in height and of a character necessary for adequate screening of a parking lot from adjacent residentially used property shall be provided. Where the residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial street.

Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required landscape setback area. Berms shall have a maximum grade of three feet horizontal to one foot vertical and shall be sodded or planted with other acceptable living ground cover.

- E. Screening dumpsters: All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall a minimum of six feet in height.
- F. Installation requirements: A minimum of one tree per 50 feet of street frontage shall be planted in the required front yard setback. Trees shall be located no closer than two feet to any curb or hard-surfaced area, and all landscape materials required by this section shall be installed in accordance with accepted industry standards. Minimum planting sizes of landscape materials to meet the requirements of this ordinance are as follows:
1. Hedges: If hedges are utilized for the required screening of a parking lot, plantings shall be a minimum of 18 inches above ground level and of a species that is normally capable of reaching a height of four feet within three years. Spacing shall be 18 to 36 inches apart, depending upon species.
 2. Ground covers and shrubs: If ground covers or shrubs are utilized in areas required to be landscaped, plantings shall be a minimum two to five gallon pot size and be spaced no more than four feet on center depending upon species.
 3. Deciduous shade tree: A minimum of one and three-quarters inch caliper measured at a point six inches above immediate ground level and normally capable of reaching a height of 30 feet or more at maturity.

4. Deciduous ornamental tree: A minimum of one and one-fourth inch caliper measured at a point six inches above immediate ground level normally growing to a height of less than 30 feet at maturity.
 5. Evergreen or coniferous tree: A minimum height of five feet measured above immediate ground.
- G. Maintenance: The use of in-ground sprinkler systems is encouraged, and at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering. Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials, and any dead or substantially damaged landscape materials shall be replaced.
- H. Lighting Standards: 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.

Appendix C – Definitions

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

ACCESSORY BUILDING (see Building, accessory)

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE shall mean a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any books, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, video

reproductions, slides, or other visual representations which are characterized by the depiction of specified sexual activities, or specified anatomical areas, or instruments, devices, or paraphernalia which are designed for use in conjunction with specified sexual activities.

ADULT CABARET shall mean a nightclub, bar, restaurant, or similar commercial establishment which regularly features: Persons who appear in a state of nudity or semi-nudity; or Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT COMPANIONSHIP ESTABLISHMENT shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT DAY CARE CENTER shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.

ADULT ENTERTAINMENT ESTABLISHMENT shall mean any business which offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, adult massage parlor/health club, and adult body painting studios.

ADULT HOTEL OR MOTEL shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT INTERNET INDUSTRIES shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.

ADULT MASSAGE PARLOR, HEALTH CLUB shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

ADULT SAUNA shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. Also see Outdoor Advertising.

AESTHETIC ZONING shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

AIRPORT HAZARD ZONE the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

AMUSEMENT PARK shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL HOSPITAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short- time boarding and shall be only incidental to such hospital use.

ANIMAL SPECIALTY SERVICES shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

ANTIQUA STORE shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.

APPAREL SHOP shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.

APPLIANCE STORE shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.

ARCHITECTURAL CANOPY SIGN (see Sign, architectural canopy)

ARCHITECTURAL CHARACTER see Architectural Concept

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

ARCHITECTURAL STYLE shall mean the characteristic form and detail, as of buildings of a particular historic period.

ART GALLERY shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ASSISTED LIVING FACILITY shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

AUCTION SALES shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes garage sales and motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Auction sales are limited to four sales per calendar year per property not to exceed two weeks per sale, unless otherwise provided for or allowed herein.

AUTOMATED TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE SALES shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)

AUTOMOTIVE REPAIR SERVICES shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.

AUTOMOBILE SERVICES shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.

AUTOMOBILE STORAGE YARD shall mean the temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.

AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail uses.

BANK shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not interest of the immediate neighborhood.

BIG BOX RETAIL shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.

BILLBOARD see Sign, Billboard.

BOARDING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as “adult entertainment establishments”.

BOWLING CENTER shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

BREWERY shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

BREWERY, CRAFT shall mean a brew pub or a micro-brewery.

BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.

BUILDING, ACCESSORY shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

BUILDING CODE shall mean the various codes adopted and enforced by the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work that pertain to building construction.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five foot horizontal distance at the exterior wall of the building. (Also, see Height of Building)

BUILDING INSPECTOR shall mean the Building Inspector of the City of Tea, South Dakota

BUILDING, PRINCIPAL shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal)

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this ordinance between any property line and the closed point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (See Vocational Training Facilities)

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing,

reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

CAR WASH, INDUSTRIAL shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

CHARITABLE ORGANIZATION or CLUB shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of South Dakota.

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.

CITY shall mean the City of Tea.

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.

COLLEGE or UNIVERSITY shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

CONDITIONAL USE PERMIT shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.

CONVENIENCE STORE shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales General.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station.)

DEPARTMENT STORE see “Big Box Retail”.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

DEVELOPMENT CONCEPT PLAN shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

DEVELOPMENT REVIEW shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.

DOG KENNEL (See Kennel, commercial; and Kennel, private.)

DOMESTIC ANIMALS shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DWELLING, MULTI-FAMILY shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

EDUCATIONAL FACILITY shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

EVENT CENTER shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

EXERCISE, FITNESS and TANNING SPA shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as “adult entertainment establishments”.

EXTERIOR BUILDING COMPONENT shall mean an essential and visible part of the exterior of a building.

EXTERNAL DESIGN FEATURE shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FARM ANIMALS or LIVESTOCK shall mean animals associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

FARM BUILDING or STRUCTURE shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

FARMER'S MARKET shall mean the offering for sale of fresh agricultural products directly to the consumer at an open air market designated as a community activity.

FESTIVAL shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.

FIREWORKS STAND shall mean any portable building and/or structure used for the temporary retail sale and storage of fireworks.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. FOOD SALES (GENERAL) shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

GARAGE, PUBLIC shall mean any garage other than a private garage.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

GUNSMITH shall mean a shop that designs, makes or repairs small firearms.

HEALTH CLUB shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

HEIGHT OF BUILDING shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

HOME IMPROVEMENT CENTER shall mean a facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

INDUSTRY shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

JUICE BAR (See Adult Establishment.)

JUNK shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which three or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.

KENNEL, COMMERCIAL shall mean any lot or premises on which three or more dogs, cats or nonfarm/non-domestic or any combination thereof (more than two dogs and two cats), at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.

LABORATORY shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.

LAUNDRY SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

LONG-TERM CARE FACILITY shall mean a facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.

MAIL ORDER SERVICES shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

MANUFACTURING shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, LIGHT shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

MAP, OFFICIAL ZONING DISTRICT shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Tea City Council.

MASSAGE ESTABLISHMENT shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Said establishment shall comply with all state regulations.

MASSAGE PARLOR (See Adult Massage Parlor, Health Club)

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MEDICAL/DENTAL OFFICES shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

MICROBREWERY (See Brew Pub)

MINI-STORAGE OR MINI-WAREHOUSE (See Self-Service Storage Facility.)

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MOTEL (See Hotel.)

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of

plants, such as fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

NURSERY SCHOOL see Preschool

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICE PARK shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

OFF-STREET PARKING AREA or VEHICULAR USE AREA shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Right-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OUTDOOR STORAGE shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

PET HEALTH SERVICE (See Animal Hospital)

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

PINBALL or VIDEO GAMES BUSINESS (See Amusement Arcade)

PLANNED DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

PLANNING COMMISSION shall mean the Planning Commission of Tea, South Dakota.

POSTAL STATION shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

PRINCIPAL USE (see "Use, Principal")

PROHIBITED USE shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC SERVICES/USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

RECREATIONAL FACILITY shall mean public or private facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECYCLING FACILITY shall mean any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.

RESTAURANT shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, ENTERTAINMENT shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

RESTAURANT, FAST FOOD shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

RETAIL, BIG BOX (see Big Box Retail)

RETAIL TRADE or USE shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

SALVAGE YARD shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.

SCHOOL, PRIVATE shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with on-site parking and small linear shopping centers with on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and city clustered style centers.

SIGN see Section 7.01.03 of this Ordinance.

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE PLAN (see Development Concept Plan)

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

STOREFRONT shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, ADVERTISING shall mean the same as "advertising structure".

TANNING SPA or SALON shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

TATOO PARLOR / BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN (See Bar.)

TELECOMMUNICATIONS FACILITY shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.

TELEPHONE EXCHANGE shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TEMPORARY USE shall mean a use intended for limited duration, not to exceed three months, to be located in a zoning district not permitting such use. Temporary use permits are limited to four per calendar year per lot/property

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)

TRANSPORTATION SERVICES shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping.

TRANSFER STATION (REFUSE) shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

USE, PERMITTED shall mean any land use allowed without condition within a zoning district.

USE, PROHIBITED shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

VETERINARY SERVICES shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WIND ENERGY SYSTEM shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WIRELESS COMMUNICATIONS TOWER shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.

Appendix D: Future Land Use Definitions

Appendix E: PD Subarea Map