

ARTICLE 5 AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Dwellings, single-family;
5. Dwellings, additional farm in excess of one (1), pursuant to Sections 513 (5) and 1309;
6. Farms;
7. Farm buildings;
8. Historic sites;
9. Horticulture;
10. Manufactured homes, pursuant to Section 1309;
11. Modular homes;
12. Plant Nurseries;
13. Riding Stables;
14. Truck gardens;
15. Utility facilities, above ground and <10,000 gallons; and
16. Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory agricultural structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems; tiling and ditching with vested water rights; in compliance with the County Drainage Ordinance.
4. Home and farm occupations;
5. Shelterbelts;

6. Signs, banner;
7. Signs, directional on-site;
8. Signs, directional off-site;
9. Signs, easement and utility;
10. Signs, exterior off-site, pursuant to Article 12;
11. Signs, flag;
12. Signs, name and address plate;
13. Signs, on-site;
14. Signs, real estate; and
15. Stock dams.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Animal feeding operations;
2. Agricultural, fertilizer, and chemical sales and applications;
3. Agricultural product processing facilities;
4. Aquaculture;
5. Auction yards and barns;
6. Bars;
7. Bed and breakfast operations;
8. Buying stations;
9. Campgrounds;
10. Churches;
11. Construction services;
12. Day cares, group family home;
13. Exhibition areas ;
14. Fairgrounds;
15. Fireworks sales;
16. Game farms;
17. Game lodges;
18. Golf courses;
19. Grain elevators;

20. Home and farm occupations;
21. Indoor shooting/archery ranges;
22. Kennels;
23. Landing Strips;
24. Manufacturing, light;
25. Motels;
26. Motor vehicle tracks or play areas;
27. Manure irrigation;
28. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. Open sales areas;
30. Outdoor shooting/archery ranges;
31. Parks;
32. Portable processing plants;
33. Private recreation areas;
34. Private shooting preserves;
35. Quarries, pursuant to Section 1315;
36. Remote fuel depots;
37. Repair shops, auto-body;
38. Repair shops, motor vehicle and equipment;
42. Roadside stands;
43. Rodeo arenas;
44. Salvage yards;
45. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
46. Self-Storage Warehouse;
47. Shuttle Loader Grain Facilities;
48. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation as described herein, or other livestock production means located outside of Brule County pursuant to Section 521 (10) (11);
49. Swimming pools;
50. Temporary construction facilities;
51. Towers;
52. Utility facilities, above ground and >10,000 gallons;
53. Wildlife and game production areas; and

54. Wind energy systems.

Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be ten (10) acres;
2. The minimum lot width, at its frontage shall be two hundred fifty (250) feet;
3. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a permitted principal uses and structures and conditional uses is requested on an existing farmstead site, as defined herein;
4. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 14 and as approved by the Zoning Administrator;
5. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and
6. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.
7. Agriculture Easement/Waiver: All new residential development (farm and non-farm) shall be required to file an "Agricultural Use Covenant Running with the Land" with the Register of Deeds before the issuance of a building permit.
8. Applicants for residential development (farm and non-farm) are required to obtain a Agricultural Use Covenant Running with the Land from the owner/operator of any

existing concentrated animal feeding operation which is closer than one (1) mile from the proposed residential building site. If the applicant is unable to obtain the Agricultural Use Covenant Running with the Land, he/she shall be required to file a waiver with the Register of Deeds waiving any or all common law challenges to future expansions of the said existing concentrated animal feeding operation. The waiver is to be filed with the Register of Deeds.

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines, or if platted, from the nearest edge of the right of way line. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.
4. Trees may be planted in a front or side yard as long as the tree or trees are twenty-five (25) feet from a road right of way at the time of planting.

Section 519 Animal Feeding Operation Requirements

Animal Feeding Operations are required to obtain a conditional use permit whenever any of the following occur:

1. A new Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed beyond what a current permit allows.
3. An expansion by 300 animal units, after adoption of this ordinance, of an existing animal feeding operation, when the total animal units will meet or exceed the requirements for a Class A or B animal feeding operation.
4. An existing Animal Feeding Operation is to be restocked after being idle for five (5) or more years.
5. A signed complaint has been received by the County Zoning Officer or South Dakota Department of Environment and Natural Resources and after inspection reveals that the Animal Feeding Operation is in violation of County or State regulations.
6. The Zoning Administrator will automatically transfer a conditional use permit for all land approved as a conditional use for the purpose of operating an Animal Feeding Operation if:
 - a) The current owner notifies the Zoning Administrator and Secretary of the Department of Environment and Natural Resources at least thirty (30) days in advance of the proposed transfer date;
 - b) The notice includes a written agreement between the existing and new owners containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 - c) The new owner or operator submits a Certification of Applicant Form to the County and DENR.

Section 521 Animal Feeding Operation Performance Standards

Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:

Class A (1,000 – Plus)	Section 521 (1,2,3,4,5,6,7, 8, 9,10,11)
Class B (700 - 999)	Section 521 (9)
Class C (10 - 699)	Exempt

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of

Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.

2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.
3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

A. Public Wells	1,000 feet
B. Private Wells	250 feet
C. Private Wells (Operator's) Streams Classified as a Public	150 feet
D. Drinking Water Supply	1,000 feet
E. Lakes, Rivers, Streams Classified as Fisheries	1,000 feet
F. Designated 100 Year Flood Plain	PROHIBITED
4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:
 - A. Proposed maintenance of waste facilities;
 - B. Land application process and/or methods;
 - C. Legal description and map, including documented proof of area to be utilized for nutrient application; and
 - D. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.
5. Animal waste facilities shall be setback six hundred and sixty six (660) feet from a property line delineating a change in ownership and any right-of-way line.
6. New Class "A" animal confinement and waste facilities shall be located no closer than two (2) miles from any incorporated municipality or residentially zoned area.
7. New Class "A" animal confinement and waste facilities shall be located no closer than one (1) mile from any residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Agricultural Use Covenant Running with the Land forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Brule County Register of Deeds.
8. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The County Planning Commission and Board of Adjustment will review the

need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:

- A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented;
 - B. The methods utilized to dispose of dead animals shall be identified.
 - C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility;
 - D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
 - E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production;
 - F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;
 - G. The applicability, economics, and effect of Industry Best Management Practices shall be covered;
 - H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.
 - I. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.
9. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty-four (24) hours:
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| A. Public Wells | 1,000 feet |
| B. Private Wells | 250 feet |
| C. Private Wells (Operator's) | 150 feet |
| D. Lakes, Rivers, Streams Classified as a Public | |

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| Drinking Water Supply | 1,000 feet |
| E. Lakes, Rivers and Streams Classified as Fisheries | 200 feet |
| F. All Public Road Right-of-ways | 10 feet |
| G. Incorporated Communities | 660 feet |
| H. A Residence other than the Operators | 100 feet |
10. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:
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| A. Public Wells | 1,000feet |
| B. Private Wells | 250feet |
| C. Private Wells (Operator’s) | 150feet |
| D. Lakes, Rivers, Steams Classified as a Public
Drinking Water Supply | 1,000feet |
| E. Lakes, Rivers and Streams Classified as Fisheries | 660 feet |
| F. All Public Road Right-of-ways (Surface Applied) | 10 feet |
| G. All Public Road Right-of-ways (Irrigated Application) | 100 feet |
| H. Incorporated Communities (Surface Applied) | 1,000 feet |
| I. Incorporated Communities (Irrigated Application) | 2,640 feet |
| J. A Residence other than the Operators (Surface Applied) | 330 feet |
| K. A Residence other than the Operators (Irrigated Application) | 750 feet |
11. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:
- A. Drops must be used on systems that disperse the liquid no higher than 18” off the ground if no crop is actively growing on the field.
 - B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
 - C. No runoff or diffused spray from the system onto neighboring property or public right-
 - D. No irrigation of liquid on frozen ground or over FSA designated wetlands.
 - E. “Big Gun” type irrigation systems not be utilized for liquid manure or dewatering lagoons or other manure containment systems by any new operation permitted after the date of adoption of this Ordinance or and subsequent amendment thereto.

Section 523 Minimum Setback Requirements for Wind Energy Systems

All wind energy systems shall be located at least 1,000 feet from an occupied dwelling. A wind energy system may be built within 1,000 feet of an occupied dwelling if the applicant obtains written approval of the dwelling’s occupants or their designated representative. This approval must state that the dwelling’s occupants have no objection to the construction of the proposed wind energy system.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 6 AGRICULTURAL–RESIDENTIAL DISTRICT (AR)

Section 601 Intent

The intent of Agricultural - Residential Districts (AR) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses while providing for single family residential uses in a pleasant and stable environment; yet to encourage in-fill development of rural areas which currently support rural residential developments and to limit increased residential development to areas where they are best suited for reasons of practicality and service delivery.

Section 603 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural-Residential District (AR):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Dwellings, single-family;
5. Farms;
6. Farms, hobby;
7. Farm buildings;
8. Historic sites;
9. Horticulture;
10. Manufactured homes, pursuant to Section 1307;
11. Modular homes;
12. Schools – denominational or private;
13. Schools – public;
14. Utility facilities; and
15. Veterinary services.

Section 605 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural-Residential District (AR):

1. Accessory agricultural structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;

6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Section 1201;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate; and
16. Stock dams.

Section 607 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural-Residential District (AR):

1. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;
5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Campgrounds;
9. Churches;
10. Construction services;
11. Day cares, group family home;
12. Drive in Theaters;
13. Dwellings, additional farm in excess of one (1), pursuant to Section 513(5)
14. Exhibition areas;
15. Fairgrounds;
16. Feed mills;
17. Fireworks sales;
18. Food product processing;
19. Game farms;

20. Game lodges;
21. Golf courses;
22. Grain elevators;
23. Kennels;
24. Landing Strips;
25. Manufacturing, light;
26. Motor vehicle tracks or play areas;
27. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
28. Open sales areas;
29. Outdoor shooting/archery ranges;
30. Parks;
31. Portable processing plants;
32. Private recreation areas;
33. Private shooting preserves;
34. Quarries, pursuant to Section 1315;
35. Remote fuel depots;
36. Repair shops, auto-body;
37. Repair shops, motor vehicle and equipment;
38. Riding stables;
39. Rodeo arenas;
40. Salvage yards;
41. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
42. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation, as defined herein, pursuant to Section 521(10)(11);
43. Swimming pools;
44. Temporary construction facilities;
45. Towers;
46. Wildlife and game production areas; and
47. Wind energy systems.

Section 609 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District

shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1603(3-5).

Section 611 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 609 shall be prohibited.

Section 613 Minimum Lot Requirements

1. The minimum lot area shall be one and one-half (1.5) acres;
2. The minimum lot width shall be one hundred (100) feet;
3. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 14 and as approved by the Zoning Administrator;
4. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and

Section 615 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines or if platted, from the nearest edge of the right of way line. . This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and

Section 617 Maximum Height

1. The height of any dwelling unit shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories;
2. The height of any structure designed and manufactured for human occupation shall not exceed thirty-five (35) feet and two and one-half (2 ½) stories.

Section 619 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way, between the months of November 1st and April 1st.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.
4. Trees may be planted in a front or side yard as long as the tree or trees are twenty-five (25) feet from a road right of way at the time of planting.

Section 621 Minimum Setback Requirements for Wind Energy Systems

All wind energy systems shall be located at least 1,000 feet from an occupied dwelling. A wind energy system may be built within 1,000 feet of an occupied dwelling if the applicant obtains written approval of the dwelling's occupants or their designated representative. This approval must state that the dwelling's occupants have no objection to the construction of the proposed wind energy system.

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ARTICLE 7 MODERATE DENSITY RURAL RESIDENTIAL DISTRICT (R1)

Section 701 Intent

The intent of Moderate Density Rural Residential Districts (R1) is to provide for residential uses of moderate lots and other compatible uses in a pleasant and stable environment.

Section 703 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Moderate Density Rural Residential District (R1):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes; and
6. Utility facilities.

Section 705 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Moderate Density Rural Residential District (R1):

1. A (one) 1,200 square foot accessory structure. Side wall height shall not exceed twelve (12) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing.
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;
6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

Section 707 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Moderate Density Rural Residential District (R1):

1. Bed and breakfasts;
2. Campgrounds, pursuant to 1321;
3. Churches;
4. Day cares, group family home;
5. Dwellings, multi-family;
6. Dwellings, two family;
7. Manufactured homes, pursuant to Section 1307;
8. Parks;
9. Schools, public;
10. Signs, off-site;
11. Swimming pools; and
12. Towers.

Section 709 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Moderate Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 711 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 709 shall be prohibited.

Section 713 Minimum Lot Requirements

1. The minimum lot area shall be one (1) acre or forty thousand (40,000) square feet;
2. The minimum lot area for multi-family dwellings in areas of two (2) units shall be one (1) acre or forty thousand (40,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be one hundred (100) feet.

Section 715 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. A front lot line, or lot frontage, is measured from the nearest edge of the right of way line. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 717 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

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ARTICLE 8

HIGH DENSITY RURAL RESIDENTIAL DISTRICT (R2)

Section 801 Intent

The intent of High Density Rural Residential Districts (R2) is to provide existing concentrated residential subdivisions as recorded with the Register of Deeds and other compatible uses a pleasant and stable environment. Yet, not allow an extension of these areas beyond their respective boundaries as recorded at the time of zoning ordinance adoption.

Section 803 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a High Density Rural Residential Districts (R2):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services; and
4. Horticulture;
5. Modular homes;
6. Utility facilities;

Section 805 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a High Density Rural Residential Districts (R2):

1. A (one) 800 square foot accessory structure. Side wall height shall not exceed ten (10) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing.
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;
6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

Section 807 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a High Density Rural Residential Districts (R2):

1. Day cares, group family home;
2. Dwellings, multi-family;
3. Dwellings, two family;
4. Manufactured homes, pursuant to Section 1307;
5. Parks;
6. Signs, off-site;
7. Swimming pools; and
8. Towers, pursuant to Section 1323.

Section 809 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a High Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 811 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 809 shall be prohibited.

Section 813 Minimum Lot Requirements

1. The minimum lot area shall be one-half (1/2) acre or twenty thousand (20,000) square feet;
2. The minimum lot area for multi-family dwellings shall be one-half (1/2) acre or twenty thousand (20,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be seventy five (75) feet.

Section 815 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. A front lot line, or lot frontage, is measured from the nearest edge of the right of way line. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 817 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

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ARTICLE 9

MANUFACTURED HOME PARK DISTRICT (MHP)

Section 901 Intent

The intent of the Manufactured Home Park District (MHP) is to preserve and enhance property values by providing designated, distinctive areas in which manufactured homes may be situated as a residential dwelling. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

Section 903 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Dwellings, single family;
2. Manufactured homes, pursuant to Section 1309;
3. Modular homes;
4. Parks; and
5. Utility facilities.

Section 905 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Accessory buildings;
2. Garages;
3. Home occupations;
4. Signs, banner;
5. Signs, directional on-site;
6. Signs, directional off-site;
7. Signs, easement and utility;
8. Signs, flag;
9. Signs, name and address plate; and
10. Signs, real estate.

Section 907 Conditional Uses

After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Manufactured Home Park District (MHP):

1. Day care centers;
2. Day cares, family;
3. Day cares, group family home;
4. Dwellings, two family;
5. Laundry facilities;
6. Self-storage warehouses;
7. Signs, bulletin board;
8. Signs, ground and monument;
9. Signs, mounted wall;
10. Signs, off-site;
11. Signs, portable;
12. Swimming pools; and
13. Towers.

Section 909 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 911 Prohibited Uses and Structures

No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

Section 913 Minimum Lot Requirements

1. The minimum park size is three (3) acres;
2. The minimum park width is three hundred (300) feet;
3. The minimum lot area for individual manufactured homes shall be four thousand (4,000) square feet;
4. The density of any manufactured home park shall not exceed eight (8) units per gross acre; and

5. The net density of any particular acre shall not exceed ten (10) units per net (gross reduced by required yards, right-of-ways, etc.) acre.

Section 915 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot line. A front lot line, or lot frontage, is measured from the nearest edge of the right of way line. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and garages:

1. The minimum distance required for the separation of a manufactured home from side and rear lot lines shall be ten (10) feet. In no case shall a manufactured home be closer than twenty (20) feet from another manufactured home;
2. The minimum setback distance required from a private drive or public right-of-way shall be thirty (30) feet; and
3. Accessory buildings shall not encroach on minimum yard requirements.

Section 917 Manufactured Home Park Application Requirements

The applicant follows the rezoning process pursuant to Articles 15-18;

2. A request for a change in zoning districts to a Manufactured Home Park District shall set forth the location and legal description of the proposed manufactured home park property;
3. Each application for a manufactured home park shall be accompanied by a detailed site development plan incorporating the regulations established herein. The plan shall be drawn to scale and indicate the following:
 - A. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to federal and state highways, and to county, township, or city roads;
 - B. Exterior and interior property or individual lot lines with dimensions and square footage of the proposed park;
 - C. Location and dimensions of all easements and right-of-ways;
 - D. Proposed lot layout, including parking and recreational areas;
 - E. General pedestrian access or transportation plan;
 - F. General utility, water, and sewer plan with proximity and proposed connection to municipal and/or private utilities; and
 - G. Site drainage plan and development impact on culverts, etc.

4. Certification of compliance with all ordinances and regulations regarding manufactured home park licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations.

Section 919 Manufactured Home Regulations within a Manufactured Home Park

1. Manufactured home developments should be located to avoid the need for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development; and
2. Access and Right-of-way Requirements:
 - A. All manufactured home spaces must be served from internal private right-of-ways within the manufactured home park and there shall be no direct access from a manufactured home space to a public right-of-way;
 - B. Internal private right-of-ways must be graveled at a minimum and kept in good repair to prevent excessive potholes or pooling of water;
 - C. A minimum of two (2) off right-of-way parking spaces shall be provided for each manufactured home lot; guest parking of one (1) parking space per five (5) manufactured home spaces shall be interspersed throughout the manufactured home park;
 - D. No internal private right-of-way access to public right-of-ways shall be located closer than one hundred (100) feet to any public right-of-way intersection;
 - E. Stop signs shall be placed at all public right-of-way intersections and Yield signs placed appropriately on internal private right-of-way;
 - F. Entrance to manufactured home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on such public roads; and
 - G. Travel surfaces should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of traveled way with twelve (12) feet minimum moving lanes for collector roads, twelve (12) feet minimum moving lanes for minor roads, and eight (8) feet minimum lanes for parallel parking.
3. Other Requirements:
 - A. Manufactured homes may be of single or multiple sections and shall not be less than fourteen (14) feet as assembled on the site, as measured across the narrowest portion;

- B. Manufactured homes shall be skirted with materials that are not highly combustible. The skirting shall be installed around the perimeter of the home from the chassis of the manufactured home to the prevailing grade;
- C. The hitch shall be removed;
- D. All electric service shall be underground;
- E. Each manufactured home lot shall be connected to a sanitary sewer system and central water system including individual utility service lines and valves as approved by the Zoning Administrator or their designee;
- F. If individual refuse collection points are not available, each manufactured home park shall provide screened areas or enclosed containers accessible for refuse collection of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis;
- G. Manufactured homes shall be anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;
- H. Not less than ten (10) percent of the gross site area shall be devoted and maintained as recreational facilities for occupant needs;
- I. No manufactured home shall occupy more than fifty (50) percent of the area of the lot on which it is situated;
- J. In accordance with Section 921 a landscaped buffer area of ten (10) feet in width shall be provided and maintained around the perimeter of the park, except where the park abuts a public right-of-way then the buffer shall be thirty (30) feet. This does not include those places where walks and drives penetrate the buffer;
- K. The manufactured home shall meet or exceed the federal Manufactured Home Construction and Safety Standards (HUD code); and
- L. Additional development requirements may be prescribed as conditions for approval when determined to be necessary to ensure protection of the neighboring property's character, compatibility with land uses, and health and safety of manufactured home park occupants.

Section 921 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to

construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

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ARTICLE 10 HIGHWAY COMMERCIAL DISTRICT (HC)

Section 1001 Intent

The intent of the Highway Commercial District (C) is to provide commercial areas for those establishments that can function most satisfactorily in an area related to a rural or municipal fringe environment requiring major vehicular circulation routes and off right-of-way parking and loading due to the nature of the merchandise handled and the display space required.

Section 1003 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Highway Commercial District (C):

1. Arcades;
2. Bars;
3. Day care centers;
4. Financial institutions;
5. Funeral homes;
6. Garages, public;
7. Gasoline stations;
8. Golf courses;
9. Governmental services;
10. Historic sites;
11. Hotels;
12. Indoor archery/shooting ranges;
13. Lockers;
14. Manufacturing, light;
15. Motels;
16. Open sales areas;
17. Parks;
18. Repair shops, auto-body;
19. Repair shops, motor vehicle;
20. Restaurants;
21. Restaurants, drive-in;
22. Restaurants, in-house;
23. Retail sales;
24. Self-storage warehouses;

25. Service establishments;
26. Theaters;
27. Utility facilities;
28. Veterinary clinics;
29. Warehousing facilities; and
30. Wholesale sales.

Section 1005 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Highway Commercial District (C) when established in conformance within the space limits of this district.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag;
6. Signs, name and address plate;
7. Signs, on-site; and
8. Signs, real estate.

Section 1007 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Highway Commercial District (C):

1. Adult entertainment;
2. Agricultural fertilizer and chemical manufacturing, sales, and applications;
3. Agricultural product processing;
4. Amusement parks; and
5. Asphalt plants;
6. Buying stations;
7. Campgrounds;
8. Concrete plants;
9. Construction services;
10. Dwellings, single-family;
11. Dwellings, two-family;
12. Grain elevators;

13. Manufacturing;
14. Manufacturing, distribution, sale, or storage of flammable, combustible, or hazardous material;
15. Outdoor shooting/archery ranges.
16. Sale and auction yards and barns;
17. Salvage yards;
18. Sanitary landfills and restricted use sites, permitted by DENR;
19. Signs, off-site, pursuant to Article 12;
20. Swimming pools;
21. Tank farms;
22. Towers;
23. Truck or equipment terminals; 24. Veterinary services; and
25. Wind energy systems.

Section 1009 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Highway Commercial District (C) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 1011 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1009 shall be prohibited.

Section 1013 Minimum Lot Requirements

1. The minimum lot area shall be two (2) acres; and
2. The minimum lot width shall be one hundred and fifty (150) feet.

Section 1015 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. A front lot line, or lot frontage, is measured from the nearest edge of the right of way line. This Section shall apply to all buildings and structures, including but not limited to loading docks, decks, patios, and covered areas:

1. There shall be a front yard of not less than a depth of one hundred (100) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

Section 1017 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

ARTICLE 11 PLANNED UNIT DEVELOPMENT (PUD)

Section 1101 Intent

The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this Ordinance. A planned development, to be eligible under this Article, must be:

1. In accordance with the comprehensive plans of the county, including all plans for redevelopment and renewal;
2. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the county;
3. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the county; and
4. A minimum of five (5) acres in land area.

Section 1103 Application Procedure

1. An applicant for consideration under the terms of this district, who must be owner, lessee, or the holder of a written purchase option of the tract of land under consideration, shall submit to the County Planning Commission a site plan for the proposed planned unit development. The plan shall indicate:
 - A. The location and extent of the proposed planned unit development, including its relationship to surrounding properties;
 - B. The exact nature and extent of improvements to be developed or erected upon the tract, including contoured site plans, building plans and elevations, and plans for landscaping and paved areas, transportation patterns, and water and sewer services; and
 - C. Such other information as may be required by the County Planning Commission to determine if the proposed planned unit development is consistent with the intent of the district.

2. The County Planning Commission shall, within sixty (60) days of receiving the plan for the proposed planned unit development, consider such plan at a minimum of one public hearing pursuant to Section 1509. Upon consideration, the County Planning Commission shall inform the applicant in writing of its approval or denial of the plan. In the event of denial, the Commission shall inform the applicant of the reason(s) for denial, including any recommended modifications in the plan, which would cause the Commission to reconsider.
3. Upon approval of the plan by the County Planning Commission, it shall forward its written recommendations to the Board of County Commissioners along with a copy of the approved plan, that the tract be designated a Planned Unit Development (PUD) by amendment of the Official Zoning Map.
4. Upon receiving the County Planning Commissioner's written recommendation, the Board of County Commissioners shall consider the proposed development and possible amendment of the Official Zoning Map in accordance with Section 2201.
5. Following the amendment of the Official Zoning Map by the Board of County Commissioners, the County Zoning Administrator may, upon proper application, issue a building permit for construction of the planned unit development in accordance with the approved plan.

Section 1105 Subsequent Performance

Following issuance of a building permit for the planned unit development by the Zoning Administrator, the applicant shall begin construction within a period of six (6) months. Failure to do so shall invalidate the building permit. Construction shall follow precisely the plan approved by the County Planning Commission to which modifications may be granted only by the County Planning Commission upon the filing of an amended plan. Failure to follow the approved plan on the part of the applicant or their agent shall be considered a violation of this Ordinance punishable as herein prescribed.

ARTICLE 12 SIGN REGULATIONS

Section 1201 Off-Site Signs

Off-site signs established as conditional uses pursuant to the provisions set forth in this Section, SDCL 31-29, and ARSD 70:04:03:

1. Sign(s) or sign structure(s) shall not exceed thirty (30) feet in height and sixty (60) feet in width;
2. The sign face(s) shall not exceed six hundred (600) square feet per site and direction of viewing;
3. A sign structure shall not be sited within a three hundred (300) feet of any other offsite sign intended to be read from the same road rights-of-way;

4. A sign shall not be within a three hundred (300) foot radius of any other off-site sign intended to be read from a different road right-of-way;
5. No sign shall utilize blinking, revolving, or flashing lights;
6. No part of the sign structure or face shall be located in or intrude into a required yard or public road right-of-way; and
7. The light from illuminated signs shall be shielded or directed to avoid adverse effect on surrounding premises or the vision of motor vehicle operators traveling public roads.

Section 1203 Off-Site Sign Exemptions

The following off-site signs shall be exempt from this Section:

1. Personal or nonprofit directional or address signs less than thirty-two (32) square feet;
2. On site signs or signs placed on property owned by and adjacent to the advertised business;
3. Political campaign signs provided the signs are removed within five (5) days after the election; and
4. Signs advertising special events, such as auctions and sales, shall be exempt for a seven (7) day period prior to and during the event and shall be removed within seven (7) days after the event.

Section 1205 Prohibited Signs

The following signs shall be prohibited:

1. Vehicle or trailer signs which display advertising to the public right-of-way; and
2. Signs that imitate an official traffic sign or are of a size, location, movement content, coloring or manner of illumination that may be confused as a traffic control device or which may conceal any traffic control device or directional sign.

Section 1207 Maintenance and Removal

All off-site signs shall be maintained in good structural and aesthetic condition at all times. Any abandoned, unsafe or unsightly sign shall be renovated or removed within sixty (60) days of written notice. If the owner of said sign fails to comply with the written order the County may remove such sign at the owner's expense.