



BEADLE COUNTY ZONING ORDINANCES



Adopted: March 31, 2017

ORDINANCE #2017-1
AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR BEADLE COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the Beadle County, South Dakota, Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to enact zoning regulations and to provide for its administration, and

WHEREAS, the Board of County Commissioners has appointed a County Planning Board, hereinafter referred to as the Planning Board, to recommend the district boundaries and to recommend appropriate regulations to be enforced therein, and

WHEREAS, the Planning Board has divided Beadle County into districts, and has established by reference to maps the boundaries of said districts for administration and interpretation; has provided for definitions and for amendments to this Ordinance; has provided for the enforcement; prescribed penalties for violation of provisions; has provided for building permits within the districts; has provided for invalidity of a part and for repeal of regulations in conflict herewith; and has prepared regulations pertaining to such districts in accordance with the county comprehensive plan and with the purpose to protect the tax base, to guide the physical development of the county, to encourage the distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements, to conserve and develop natural resources, and

WHEREAS, the Planning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and

WHEREAS, the Planning Board and Board of County Commissioners has given due public notice to a hearing relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of SDCL 11-2, with regard to the preparation of these regulations and subsequent action of the Board of County Commissioners, has been met, and

WHEREAS, copies of said zoning regulations have been filed with the Beadle County Auditor for public inspection and review during regular business hours, and

WHEREAS, all ordinances, or parts of regulations in conflict herewith are hereby expressly repealed;

THEREFORE BE IT ORDAINED that Ordinance 2017-1 is hereby adopted by the Board of County Commissioners, Beadle County, South Dakota.

Adopted this 28th day of February, 2017.

ATTEST:

Chairperson
Beadle County Commissioner

Beadle County Auditor

TITLE 1	ZONING: GENERAL PROVISIONS
TITLE 1 – ARTICLE 1	SHORT TITLE
TITLE 1 – ARTICLE 2	JURISDICTION
TITLE 1 – ARTICLE 3	OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION
TITLE 1 – ARTICLE 4	ESTABLISHMENT OF DISTRICTS
TITLE 1 – ARTICLE 5	APPLICATION OF DISTRICT REGULATIONS
TITLE 1 – ARTICLE 6	SPECIAL PROVISIONS
TITLE 1 – ARTICLE 7	SUPPLEMENTARY DISTRICT REGULATIONS
TITLE 1 – ARTICLE 8	NONCONFORMING USES
TITLE 1 – ARTICLE 9	SUBDIVISION REGULATIONS
TITLE 1 – ARTICLE 10	DEFINITIONS
TITLE 1 – ARTICLE 11	RIGHT TO FARM COVENANT
 TITLE 2	 ZONING: AGRICULTURAL AREA
TITLE 2 – ARTICLE 1	AGRICULTURAL DISTRICTS (AG)
TITLE 2 – ARTICLE 2	CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
TITLE 2 – ARTICLE 3	WIND ENERGY SYSTEMS (WES)
TITLE 2 – ARTICLE 4	WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES
 TITLE 3	 ZONING: LAKE FRONT RESIDENTIAL
TITLE 3 – ARTICLE 1	LAKE FRONT RESIDENTIAL
 TITLE 4	 RURAL MUNICIPALITY
TITLE 4 – ARTICLE 1	RURAL MUNICIPALITY RESIDENTIAL DISTRICT
TITLE 4 – ARTICLE 2	RURAL MUNICIPALITY INDUSTRIAL DISTRICT
TITLE 4 – ARTICLE 3	COMMERCIAL DISTRICT
TITLE 4 – ARTICLE 4	HIGHWAY COMMERCIAL DISTRICT
 TITLE 5	 JOINT JURISDICTIONAL AREAS
TITLE 5 – ARTICLE 1	INTRODUCTION
TITLE 5 – ARTICLE 2	AGRICULTURAL FRINGE PROTECTION DISTRICT (AGFP)
TITLE 5 – ARTICLE 3	LARGE LOT RESIDENTIAL DISTRICTS (R-0)
TITLE 5 – ARTICLE 4	ONE FAMILY RESIDENTIAL DISTRICT (R-1)
TITLE 5 – ARTICLE 5	ONE FAMILY RESIDENTIAL DISTRICT (R-2)
TITLE 5 – ARTICLE 6	URBAN/RURAL RESIDENTIAL DISTRICT (R-7)
TITLE 5 – ARTICLE 7	LIMITED BUSINESS (B-1)
TITLE 5 – ARTICLE 8	GENERAL BUSINESS (B-3)
TITLE 5 – ARTICLE 9	LIMITED HIGHWAY COMMERCIAL DISTRICT (B-4)
TITLE 5 – ARTICLE 10	HEAVY HIGHWAY COMMERCIAL DISTRICT (B-5)
TITLE 5 – ARTICLE 11	GENERAL INDUSTRIAL DISTRICT (I-2)
TITLE 5 – ARTICLE 12	COMPREHESIVE PLANS
 TITLE 6	 DRAINAGE
TITLE 7	ALCOHOL REGULATIONS
TITLE 8	ROADS AND HIGHWAY REGULATIONS
 TITLE 9	 NUISANCES
TITLE 9 – ARTICLE 1	NUISANCES
TITLE 9 – ARTICLE 2	MAINTENANCE AND SANITATION OF BUILDINGS
 TITLE 10	 ADMINISTRATION AND ENFORCEMENT

TITLE 1

ZONING: GENERAL PROVISIONS

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 1

SHORT TITLE

TITLE 1 – ARTICLE 1

SHORT TITLE

SECTION 1-101 - Short Title.

This ordinance may be known and may be cited and referred to as "Beadle County Zoning Ordinances," to the same effect as if the full titles were stated.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 2

JURISDICTION

TITLE 1 – ARTICLE 2

JURISDICTION

SECTION 1-201 - Jurisdiction.

The provisions of this Ordinance shall apply within the unincorporated areas of Beadle County, as well as the incorporated communities of Wolsey, Yale, Cavour, Hitchcock, Broadland, Iroquois, Bonilla, Virgil, and Wessington, South Dakota, as established on the map entitled "The Official Zoning Map of Beadle County, South Dakota."

See official zoning maps.

SECTION 1-202 - Provisions of the Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. When a provision of any federal or state law is greater in requirements than these ordinances, then that law will govern.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 3

OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION

TITLE 1 – ARTICLE 3

OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION

SECTION 1-301 - General.

The County is hereby divided in to districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. *See Official Beadle County Zoning Map.*

The Official Zoning Ordinance shall be located in the Director of Equalization office in the Beadle County Courthouse. The official zoning ordinance and map shall be the final authority as to the current zoning status of land within the legal boundaries of Beadle County.

SECTION 1-302 - Zoning Map Changes.

If in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map. Promptly after the amendment has been approved by the Board of County Commissioners upon recommendation of the Planning Board with an entry on the Official Zoning map. The minutes of the Board of County Commissioners meeting and the Planning Board meeting must reflect the DATE, CHANGES MADE, and DESCRIPTION OF THOSE CHANGES which shall be published in the official county newspaper, posted on the county web site and available at the auditor's office.

No amendment to the Ordinance which involves matters portrayed on the official Zoning Map shall become effective until the zoning map has been replaced as outlined below.

SECTION 1-303 - Zoning Map Replacement.

In the event that the Official Zoning Map changes, the Board of County Commissioners shall, by resolutions, adopt a new/updated Zoning Map that will supersede the prior Official Zoning Map. The new official map shall be identified by the signature of the Chairperson of the Board of County Commissioners, attested by the County Auditor, and bearing the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ (date of adoption of Old Map) as part of Resolution # _____ of Beadle County, South Dakota".

SECTION 1-304 - Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where physical or cultural features existing on the ground are at variances with those shown on the Official Zoning Map, the County Planning Board shall interpret the district boundaries; and
2. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment upon a recommendation from the Planning Board may permit, as a conditional use, the extension of the regulation into the remaining portion of the lot.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

TITLE 1 – ARTICLE 4
ESTABLISHMENT OF DISTRICTS

SECTION 1-401 - Districts Established.

For the purposes of this Ordinance, these types of districts have been established:

County:

1. Agricultural District

Rural Municipality/Lake Front:

1. Rural Municipality Residential District (R-2)
2. Lake Front Residential District (R-3)
3. Commercial District (C)
4. Highway Commercial District (HC)
5. Rural Municipality Industrial District (I-3)

Joint Jurisdictional Area:

1. Agricultural Fringe Protection District (AGFP)
2. Large Lot Residential District (R-O)
3. One-Family Residential District (R-1)
4. One-Family Residential District (R-2)
5. Urban/Rural Residential District (R-7)
6. Limited Business (B-1)
7. General Business Zone (B-3)
8. Limited Highway Commercial (B-4)
9. Heavy Highway Commercial (B-5)
10. Industrial District (I-2)

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 5

APPLICATION OF DISTRICT REGULATIONS

TITLE 1 – ARTICLE 5

APPLICATION OF DISTRICT REGULATIONS

SECTION 1-501 – General.

The regulations set for this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

SECTION 1-502 - Zoning Applications.

No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 1-503 - Performance Standards.

No building or other structure shall hereafter be erected or altered than as herein required; or in any other manner contrary to the provisions of the Ordinance:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area; and
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces.

SECTION 1-504 - Open Space or Off-Street Parking or Loading Space.

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 1-505 - Yard and Lot Reduction Prohibited.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance unless a Variance is granted by the Board of Adjustment.

SECTION 1-506 - Unclassified or Unspecified Uses.

Unclassified or unspecified uses may be permitted by the Board of Adjustment after the Planning Commission has reviewed and made recommendations provided that such uses are similar in character to the principle uses permitted in the district.

SECTION 1-507 – Unresolved Violations.

No application shall be accepted from landowners or on property on which there are current or past unresolved violations outstanding.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 6

SPECIAL PROVISIONS

TITLE 1 – ARTICLE 6

SPECIAL PROVISIONS

SECTION 1-601 - Additional Requirements, Exceptions and Modifications.

The requirements and standards specified heretofore in this title shall be subject to the following provisions set forth in this chapter.

1. HEIGHT LIMITATIONS.

Height limitations as set forth in "R-2," and "R-3" districts elsewhere in this title may be increased without special permit by fifty (50) percent when applied to the following:

- a. Antenna, radio, and TV;
- b. Church spires and steeples;
- c. Belfries;
- d. Water towers (private);
- e. Flag poles;
- f. Smokestacks;
- g. Cooling towers;
- h. Elevator penthouse.
- i. Heights in excess thereof for such purposes may be a permitted conditional use permit granted by the Board of Adjustment if it determines that such structure would not be dangerous and would not adversely affect the adjoining or adjacent property.

2. FRONT YARD VARIANCE.

In any "R" district, wherever a platted block or otherwise subdivided area has dwellings located on fifty (50) percent or more of the parcels located between two streets, the front yard setback line may be reduced below the minimum which would be therein required, but shall no case be less than either the average front setback lines already established by the dwellings located in such block or area, or fifteen (15) feet whichever is greater.

3. SIDE YARD ALLOWANCES.

In any "R" district, wherever a platted block or otherwise subdivided area has A RESIDENTIAL DWELLING upon an existing lot and due to a zoning ordinance change, the existing side yard setback line is less than required under zoning law as changed, the side yard setback line for expansions or additions to existing principle dwelling or attached accessory building may be reduced below the minimum which would be required but shall in no case be less than the setback line of the existing structure.

4. RESIDENTIAL FRONTAGE.

No residence shall hereafter be erected upon any parcel unless such parcel abuts upon a street for at least twenty (20) feet.

5. REZONING.

Rezoning for an individual business or industry shall not be permitted unless it is an extension of an existing business or industrial district, or is designated to be a part of a business or industrial area as designated on the Huron comprehensive plan.

6. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever in any district a use is neither specifically permitted nor denied, the Planning Board, or a property owner may request a study to determine whether the particular use is compatible with the comprehensive plan, what zoning district would be most appropriate and the determination as to conditions and standards relating to the use. The Planning Board may upon receipt of the study initiate an amendment to these Ordinances to provide for the particular use under consideration or find that the use is not compatible.

7. LOTS NOT SERVED BY PUBLIC SEWER AND WATER.

In any district, where either public water supply or public sanitary sewer is not accessible, the otherwise specified lot area per dwelling and width requirements shall be a minimum of fifteen thousand (15,000) square feet of lot area and one hundred (100) feet of lot width or as specified in district if larger.

SECTION 1-602 - Performance Standards.

1. PURPOSE OF STANDARDS.

The guiding of urban development so as to develop compatible relationship of uses depends upon certain standards being maintained. Uses permitted in the various districts; conditional and accessory uses shall conform to the following standards as set forth in this section.

2. OCCUPATION NOISE.

Any use established shall be so operated that no noise resulting from the use is perceptible beyond the boundaries of that plat line of the site on which such use is located. This standard shall apply to incidental traffic, parking, loading, construction, or maintenance operations.

3. SMOKE AND PARTICULATE MATTER.

Any use established, enlarged or remodeled after the effective date of the ordinance codified in this title shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public.

For purpose of grading the density of smoke, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than No. 2 on the Ringelmann Chart.

4. TOXIC OR NOXIOUS MATTER.

Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter

5. VIBRATION.

Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

6. GLARE OR HEAT.

Any use requiring an operation producing an intense heat or direct light transmission shall be performed with the necessary shielding to prevent such heat or direct light from being detectable at the lot line of the site on which the use is located.

7. EXPLOSIVES.

Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than five hundred (500) feet the "R" district line.

8. WASTE MATERIAL.

Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system or the sanitary sewer system, but shall be disposed of in a lawful manner. Appropriate regulations and standards therefore may be established.

SECTION 1-603 - Community Unit Plan.

The purpose of this section is to provide a method where flexibility of site design and architecture may be applied by placing more than one building on a lot in residential, or industrial district according to the following provisions:

1. RESIDENTIAL DISTRICT.

The purpose of this section is to establish provisions for the granting of a conditional use permit to erect a multi-building apartment or institutional project in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as provided in this title.

The owner or owners of any tract of land within the "R-2," use districts must submit to the board for approval a plan for the development and use of such a tract of land for a community unit plan for residential use or for any institutional use permitted within the district in which the land is located by making an application for a conditional use permit authorizing completion of the development in accordance with the plan. The plan for the development shall conform to the requirement of the use district within which it is located except as herein amended.

- A. The tract of land for which a development is proposed and a permit requested shall contain not less than two (2) acres.
- B. The tract of land for which a development is proposed and a permit requested shall not have less than seventy-five (75) feet of frontage on a street.
- C. The proposed development shall be served by the city water and sewer system and fire hydrants shall be installed according to a plan approved by the fire chief as to type and location.
- D. No principal building shall be nearer than its height to the rear or side property line when such line abuts an "R-1" or "R-2" district.
- E. No building within the development shall be nearer to another building than one-half the sum of the heights of the two buildings.
- F. Private roadways within the project shall have an improved surface of twenty (20) feet or more in width and shall be so designed and constructed as to

permit the city fire trucks to provide protection to each building. Parking on a twenty (20) foot to twenty-seven (27) foot roadway is to be permitted and parking is permitted on both sides of roadways thirty (30) feet or more in width.

- G. No building shall be located less than fifteen (15) feet from back of the curb line along those roadways which are a part of the internal road system.
- H. Off-street parking for apartment projects shall be one and one-half spaces per dwelling unit.

2. BUSINESS DISTRICT.

The purpose of this section is to establish provisions for the granting of conditional use permits to erect a multi-building retail sales and service facility in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as provided in this title.

The owner or owners of any tract of land within the "B-1," or "B-3" districts may submit to Board of Adjustment for approval a plan for the development and use of such a tract of land for a community unit plan for commercial or other uses permitted in the district within which the land is located, by making an application for a conditional use permit authorizing completion of the development in accordance with the plan. The plan for the development shall conform to the requirements of the district within which it is located except as herein amended.

- A. The tract of land for which a development is prepared and a permit requested shall contain not less than five (5) acres.
- B. The tract shall have not less than two hundred (200) feet of frontage on a public street.
- C. The development shall be served by the city sewer and water system and fire hydrants shall be installed according to a plan approved by the fire chief as to the type and location,
- D. The surface drainage system shall be constructed according to a plan approved by the city engineer.
- E. The entire site other than the taken up by structures or landscaping shall be surfaced with concrete or asphalt.
- F. The off-street parking spaces shall be painted on the surfaced area according to a plan which has received approval of the council.

- G. Provisions shall be designated for off-street loading to service the businesses and such space shall have easy access and not be designated for any other use.
- H. Private roadways within the project shall have an improved surface of twenty-four (24) feet or more in width and shall be so designed and constructed as to permit the city fire trucks to provide protection to each building. Parking on a twenty-four (24) foot roadway is to be prohibited; parking shall be permitted on one side of a thirty (30) foot roadway.

3. INDUSTRIAL DISTRICT.

The purpose of this section is to establish provisions for the granting of a conditional use permit to erect a multi-building industrial facility in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as provided in this title.

The owner or owners of any tract of land within an "I" district may submit to the Board of Adjustment for approval a plan for the development and use of such a tract of land for a community unit plan for commercial or other uses permitted in the district within which the land is located by making an application for a conditional use permit authorizing completion of the development in accordance with the plan. The plan for the development shall conform to the requirements of the district within which it is located except as herein amended.

- A. The tract of land for which a development is proposed and a permit requested shall not be less than five (5) acres.
- B. The tract shall be served by the city water and sewer system and fire hydrants shall be installed according to plan approved by the fire chief as to type and location.
- C. A surface drainage system shall be constructed according to a plan approved by the city engineer.
- D. The off-street parking spaces shall be painted on the surfaced area according to a plan which has received approval of the council.
- E. Private roadways within the project shall have an improved surface of twenty-four (24) feet or more in width and shall be so designed and constructed as to permit the city fire trucks to provide protection to each building. Parking on twenty-four (24) foot roadway is to be prohibited; parking shall be permitted on one side of a thirty (30) foot roadway. (City Ordinance 985, 1971).

SECTION 604 - Planned Unit Development.

The purpose of this section is to provide a method by which parcels of land in the "R" district having unusual building characteristics due to subsoil conditions, elevation of water table, water area, relative location or shape of the parcel may be more efficiently utilized.

The owner or owners of any tract of land in an "R" district may submit to the Board of Adjustment for approval, a plan for the use and development of such a tract of land as a planned unit by making an application for a special use permit authorizing completion of the project according to the plan.

The plan for the proposed project shall conform to the requirements of the use district within which the land is located except as hereinafter modified.

1. The tract of land for which a project is proposed and a permit requested shall not be less than five (5) acres.
2. The applicant shall state precisely, what in his opinion, are the unusual characteristics of the site for purposes of justifying the granting of a special permit.
3. The plan shall be submitted in the form of a preliminary plat and in complete conformance with the subdivision regulations.
4. The number of dwelling units proposed for the entire site shall not exceed the total number permitted under density control provision for the use district within which the land is located.
5. The lot area in the plan shall not be less than the minimum for the area and the density on any one lot as required within the use district shall not be reduced more than two-thirds by assigning additional dwelling units.
6. Each lot as shown on the plan shall have indicated on it the maximum number of dwelling units to be permitted within a single building.
7. That land which is to be set aside as unbuildable and on which the plan is justified shall be clearly indicated on the plan.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 7

SUPPLEMENTARY DISTRICT REGULATIONS

TITLE 1 – ARTICLE 7

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1-701 - Visibility at Intersections.

On all corner lots and lots bordering alleys and all private driveways intersecting public roads in all districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets, in the area formed by a radius of twenty feet from the intersection of the street, curbs, or edge.

SECTION 1-702 - Erection of More Than One Principal Structure on a Lot.

In any district, more than one structure may be erected on a single lot, provided, that the use is a permitted use, the structure is 10 feet apart from an adjacent structure, and that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. However, only one residential structure is permitted on a residential lot unless a variance is granted by the Board of Adjustment.

SECTION 1-703 - Front Yard Regulations.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not be less than the average of the yards provided on adjacent lots.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

SECTION 1-704 - Mobile Homes.

1. Mobile Homes.

Mobile home as defined herein shall not be allowed in any district outside of the permitted areas unless authorized by a variance and the mobile home meets the following conditions:

- i. No older than 10 years of manufactured date.
 - 1) If the trailer or mobile home is not a new mobile home, the applicant shall provide a picture of dwelling inside and out, which shall be presented to the Beadle County Zoning office for review and approval or denial.
- ii. Prior to placement of home on the foundation, it shall be inspected and a Building Permit approved by the Beadle County Zoning office.
- iii. The running gear and hitch have been removed or enclosed.
- iv. The mobile home has been anchored to a permanent footing and foundation.
 - 1) The footing to be a minimum of eight (8) inches thick by sixteen (16) inches wide poured concrete with top of footing to be sixteen (16) inches below grade.
 - 2) The foundation shall be eight (8) inches poured concrete or concrete block.
- v. Provisions of SDCL 10A-01 are followed.

SECTION 1-705 - Mobile Home Parks.

A mobile home park may be established in the "R-2" and "R-7" district according to the procedures for granting a conditional use permit, provided, that the proposed mobile home park meets all of the following requirements:

1. A mobile home park shall have an area of not less than two (2) acres and no mobile home park lot or office or service building shall be closer to a street right-of-way or other property line than twenty-five (25) feet.
2. The margins along the side and rear property lines shall be densely planted to coniferous or cedar trees for a depth of not less than twenty-five (25) feet, and shall be properly landscaped.

3. Individual mobile homes lots shall have an area of not less than three thousand (3,000) square feet and the total number of lot per gross acre shall not exceed fourteen (14).
4. A minimum of twenty-five (25) feet measured from any entrance, lean-to or other extension from said mobile home shall be maintained between mobile homes.
5. A request for a conditional use shall set forth the location and legal description of the proposed mobile home park property, and a sketch of the proposed mobile home park, showing dimensions, driveways, proposed locations of mobile homes, the location of sanitary conveniences and other buildings and improvements.

Certification of compliance with all ordinances and regulations regarding mobile home Park licensing, and zoning, health, plumbing, electrical, building, fire prevention and all other applicable ordinances and regulations shall be a prior requirement for granting said conditional use.

SECTION 1-706 – Mobile, Manufactured and Modular Placement Standards.

- (a) Mobile Home Stands. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure with the following methods:
 - (1) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home;
 - (2) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the midpoint of each longitudinal length;
 - (3) The mobile home stand shall not heave, shift or settle unevenly under its weight due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- (b) Fuel. All outside piping for the fuel storage tanks shall be copper or other approved tubing and shall be permanently installed and securely fastened. Piping within the mobile home shall be black steel pipe and shall also be securely fastened in place. The fuel tanks shall be securely fastened on a concrete slab or on concrete blocks and shall not be located beneath the mobile home. Tanks with a capacity of less than one hundred twenty-five gallons (water) shall be located and installed so that the discharge from safety relief devices shall not terminate in or beneath any building and shall be located at least five feet horizontally away from any building opening below the level of such discharges and not less than five feet in any direction away from openings into sealed combustion system appliances or mechanical ventilation air tanks. Tanks having a capacity from one hundred twenty-five gallons to five hundred gallons must be located at least ten feet

horizontally away from any building or property line. Tanks having a capacity of five hundred gallons or more must be located at least twenty-five feet horizontally away from any building or property line.

(c) Alterations and Additions.

- (1) All plumbing and electrical alterations or repairs in the mobile home shall be made in accordance with applicable codes and regulations;
- (2) Skirting of mobile homes with approved materials is required within sixty days after placement of the mobile home. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard;
- (3) Additions onto the mobile home shall maintain the proper setback requirements of the district; any such addition shall enclose only one entry way of the mobile home, and such additions shall comply with all other applicable codes and regulations.

(d) Vehicle Parking. A minimum of two off-street parking areas shall be provided for each mobile home.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 8

NONCONFORMING USES

TITLE 1 - ARTICLE 8
NONCONFORMING USES

SECTION 1-801 – Intent.

Within the Districts established by this Ordinance or amendments that may later be adopted, there exists:

1. Lots;
2. Structures;
3. Uses of land and structures; and
4. Characteristics of use.

These lots, structures and uses were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the term of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the Districts involved. A nonconforming use of structure or a nonconforming use of land and structure in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the District involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this adoption or amendment of this Ordinance and upon which actual building construction had been carried on diligently.

SECTION 1-802 - Nonconforming Lots of Record.

In any District in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record that is in place at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area and/or width, which are generally applicable in the District, provided that yard dimensions and requirements other than those applying to area and/or width of the lot shall conform to the regulations for the District in which such lot is located. Variances to the yard requirements shall only be obtained through action of the Board of Adjustment, notwithstanding the previous paragraph, not having adequate

land for a legally permitted and constructed septic tank and drain field may prohibit a lot from being developed.

In any District, if two (2) or more lots, combination of lots, and/or portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, or if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered undivided parcel for the purpose of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance; nor shall any division of any parcel be made which creates a lot with a width or area below requirements stated in this Ordinance.

SECTION 1-803 - Nonconforming Uses of Land.

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
2. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.
3. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 1-804 - Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its reasonable fair market value/replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 1-805 - Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any portion of twelve consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current reasonable fair market value/replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the District in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

SECTION 1-806 - Conditional Uses Shall Not Be Nonconforming Uses.

Any use which is permitted as a conditional use in a District under the terms of this Ordinance shall not be deemed a nonconforming use in such District.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 9

SUBDIVISION REGULATIONS

TITLE 1 – ARTICLE 9
SUBDIVISION REGULATIONS

SECTION 1-901 – Purpose.

These regulations shall be for the purpose of promoting harmonious development through the implementation of the Beadle County Comprehensive Plan.

SECTION 1-902 - Extent of Regulation.

The provisions of these regulations shall apply to every addition to, or subdivision within Beadle County, South Dakota, and the joint jurisdictional area. No plat of a subdivision of land shall be filed or recorded until approved by the Beadle County Commissioners.

SECTION 1-903 – Pre-Application.

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, and the Comprehensive Plan.

SECTION 1-904 – Preliminary Application Fee.

The subdivider shall pay to the Zoning Administrator a preliminary application fee as stated in the approved fee schedule before application.

SECTION 1-905 – Preliminary Application.

The subdivider shall prepare and submit to the Zoning Administrator the following:

1. Seven (7) copies of the preliminary plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eleven (11) inches by seventeen (17) inches. All preliminary submittals shall be in conformance with the design standards set forth in this Ordinance and shall include or be accompanied by the following information:
 - A. Receipt for preliminary platting fee.
 - B. Proposed name of the subdivision, which shall not duplicate previously filed plat names.
 - C. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - D. Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.

- E. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - F. Existing contours wherever five (5) feet of deviation occurs.
 - G. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
 - H. Zoning classifications and existing and proposed land use.
 - I. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, or in lieu of the completion of such work and installations previous to the final approval of a plat, the County Commissioners may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of such improvements and utilities within a period specified by the County Commissioners and expressed in the bond, or in lieu of completion of such work and installations previous to the final approval of a plat for an assessment or other method whereby the county is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.
 - J. Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water the proposed subdivision.
 - K. Layout, numbers, and approximate dimensions of lots and the number of each block.
- 2. After receipt of the preliminary plat applications, the Zoning Administrator shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations. The findings of the examinations shall be returned to the Administrator within fifteen (15) days.
 - 3. The Beadle County Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Beadle County Commission shall be void at the end of six (6) months unless a final plat has been submitted.
 - 4. Upon approval of the preliminary plat by the Beadle County Commission, the subdivider may proceed with the preparation of the final plat.

SECTION 1-906 – Final Application Fees.

The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be as stated in the approved fee schedule.

SECTION 1-907 – Final Plat Application.

The subdivider shall prepare and submit to the Beadle County Commission the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Seven (7) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eleven (11) inches by seventeen (17) inches. All final plat submittals shall be in conformance with the design standards of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:
 - A. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - B. Location and description of all monuments.
 - C. Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
 - D. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
 - E. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - F. Certificate signed by the Director of Equalization approving the plat.
 - G. One copy of any private restriction or covenants affecting the subdivision or any part thereof.
2. Any subdivision of land containing two or more lots, no matter how described, must be submitted to the Beadle County Commission for approval. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing

may be sent; and no plat shall be acted upon by the County Commissioners without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days nor more than ten days before the date fixed therefore. Also any plat submitted for approval shall require the signature of the Beadle County Auditor.

3. The plat shall be approved or disapproved within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the County Commissioners on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground for disapproval of any plat shall be stated upon the records of the County Commissioners.
4. The approval of a plat by the County Commissioners shall not be deemed to constitute or affect any acceptance by the county or adjacent municipality or public of the dedication of any street or other ground shown on the plat.
5. When any map, plan, plat or replat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map, plan, plat or replat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any such map, plan, plat or replat unless and until the same shall have been approved by the County Commissioners.

SECTION 1-908 – General Standards.

Land within the proposed subdivision which the Beadle County Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

SECTION 1-909 – Streets and Alleys.

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets should be planned to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curb line diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.

4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in Commercial and Industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavements widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>Type</u>	<u>Pavement Width</u>	<u>R.O.W.</u>
Major Arterial Streets	37'	100'
Local Streets	37'	66'
Alleys	16'	20'

SECTION 1-910 – Lots.

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.
4. Minimum lot size is 5 acres without municipal water and sewer.

SECTION 1-911 – Easements.

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

SECTION 1-912 – Improvements.

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the Zoning Administrator certain required improvements as follows:

1. Staking.

The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.

2. Street Grading.

All full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the Zoning Administrator.

3. Street Surfacing.

The streets shall be paved in accordance with street improvement and paving standards and regulations approved by the County Commissioners of Beadle County, South Dakota.

4. Sanitary Sewer.

Where a municipal sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall submit to the County Commissioners the plans for connection with a trunk line to the existing system. The County Commissioners shall then inform the subdivider of the trunk size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

5. Water Mains.

Where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system and proper

provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health.

SECTION 1-913 – Penalty.

It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Ordinance. Violation thereof shall be a misdemeanor and may be punishable by a fine established by the County Commissioners for each and every day that any violator fails to comply with the provisions of this Ordinance.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent Beadle County from taking such other lawful action as is necessary to prevent any violation.

SECTION 1-914 – Severability Clause.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1-915 - Conflict with Other Regulations.

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between standards or dimensions noted herein and those contained in the Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 10

DEFINITIONS

DEFINITIONS

ZONING DEFINITIONS

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

Abandoned Property. Any deteriorated, dilapidated, and/or abandoned property in unusable condition having no value other than nominal scrap or junk value.

Accessory Use or Structures. A use or structure on the same lot with and of a nature customarily included or subordinate to the principle use or structure.

Agriculture. The use of land for agricultural purpose including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck, gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities.

Alley. A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Animal Unit. Animal Units are used in the permitting process because they allow equal standards for animals based on size and manure production. An AU is calculated by multiplying the number of animals by an animal unit factor for the specific type of animal. The AU factor is established by dividing the average weight of the animal by 1000, this formula shall be used to add animals not already included in the table below.

Mature Dairy Cows	1.4	Horses	2
Cattle other than Mature Dairy Cows	1	Sheep or Lambs	.1
Feeder or Slaughter Cattle	1	Turkeys (under 5 lbs)	.018
Feeder Cattle (up to 800 lbs)	.8	Turkeys	.04
Calves (up to 400 lbs)	.4	Ducks or Geese	.2
Finisher Swine (over 55 lbs)	.4	Laying Hens or Broilers (liquid handling system, confinement)	.033
Nursery Swine (less than 55 lbs)	.1	Laying Hens or Broilers (overflow watering)	.01
Swine Production Unit (Sows Breeding, Gestating, Farrowing)	.47	Farrow to Finish Sows	3.7

Applicant. An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Aquifer. A geologic formation, group of formations or part of a formation capable of storing and yielding ground water to wells or springs.

Block. A track or parcel of land containing or that may contain a number of lots bounded by public streets or land, streams, railroads, un-platted abutting property.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons or property. The word includes the word structure and is a structure which is entirely separated from any other structure by space or by wall in which there is not communicating doors, windows, or similar openings. A principal building including covered porches and paved patios is a building which is a primary use. In any residential district, any dwelling shall be deemed to be the principal building on the lot.

Building Area. The portion of a lot remaining after required setbacks and widths have been determined.

Child Care Facility. Any facility providing care and/or instruction for children not residing in the premises with such care being on a regular basis for a fee. All such facilities shall comply with applicable state licensing requirements. For purpose of density control in zoning districts, these facilities shall be divided into three classes:

1. Class I - Care for one through six children including those residing on the premises under the age of twelve. Such facilities do not require any local permit or inspection;
2. Class II - Care for more children than allowed in Class I up to a maximum of twelve not residing on the premises. Fencing and local inspections for fire, safety, health, and building code compliance are required;
3. Class III - Care for thirteen or more children not residing on the premises. Fencing and local inspections for fire, safety, health, and building code compliance are required.

All such facilities shall be permitted uses in churches or similar nonprofit institutions, provided they comply with all licensing, fencing, and inspection requirements pertaining to the class of the facility.

Chronic or Catastrophic Event. A single precipitation event, or a series of rainfall events in a short period of time, that totals or exceeds the volume of a 25-year, 24-hour storm event. The event includes tornadoes, or other catastrophic conditions. The event would directly result in, or cause, an overflow from the containment structure or lagoon that receives and contains runoff from an open lot.

2

Common Ownership. A single, corporate, cooperative or other joint operation or venture.

Comprehensive Plan. A long-range plan for the improvement and development of Beadle County, South Dakota, as adopted by the Planning Commission and the County Commissioners.

Concentrated Animal Feeding Operation. A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of ninety (90) days or more during any twelve (12)-month period, and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered a single animal operation if they adjoin each other, or if they use a common area, or system for disposal of manure. Structures include: A lagoon, formed manure storage structure, compost structure, egg wash water storage structure, earthen manure storage basin, open or enclosed feed lot, or confinement building.

Conditional Use. A conditional use is a use that would not be appropriate without restrictions throughout a zoning district, but which if controlled as to number, area, location, or relations to the neighborhood, would promote the public health, safety, welfare, appearance, comfort, convenience, prosperity, and general well being. Such uses may be permitted in a zoning district as conditional uses, if specific conditions are defined by the Beadle County Board of Adjustment. Such uses may be allowed in such zoning districts as conditional uses, as specific provisions for such exceptions are made in these zoning regulations.

Cul-de-sac. A street having one end connecting with a public street and being terminated as its other end by a vehicular turn-around.

Construction. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Density. Pertaining to the number of dwelling units per net acre or gross acre, as indicated for the appropriate zoning district and new subdivisions.

Domestic Animal. Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep and mules.

Dwelling, Single Family. A residential dwelling unit other than a mobile home, designed for one family.

Dwelling, Multiple Family. A residential building designed for two or more families living independently of each other.

Dwelling Unit. One room or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or long term basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathroom, and sleeping facilities.

Earthen Manure Storage Basin. An earthen cavity, either covered or uncovered, which, on a regular basis, receives waste discharges from a confinement feeding operation if accumulated wastes from the basin are removed at least once each year.

Engineer. A professional, registered engineer;

Established Building Site. An established building site shall have been used in the past as a farmstead for a normal farming operation. Any residence established for more than ten (10) years shall become an established building site. This site shall meet the minimum lot requirements with these ordinances.

Established Residence. Any residence established by a personal presence for more than two (2) years, in a fixed and permanent dwelling and an intention to remain there.


Family. One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three (3) adults who are unrelated by blood or law. In addition to persons actually related by blood or law, the following persons shall be considered related by blood or law for the purposes of this title: (1) A person residing with the family for the purpose of adoption; (2) Not more than six (6) persons under license or approved by a governmental agency; (3) Not more than four (4) persons nineteen (19) years of age or younger residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.

Farm Equipment. Includes any farm wagon, farm implement drawn by another vehicle, or farm vehicle which is designed and used primarily for tillage, harvesting, or transportation of agricultural products or farm property by or for agricultural producers.

Feedlot. Feedlot means pens or similar areas with dirt, or concrete (or paved or hard) surfaces. Animals are exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed type areas. Feedlot is synonymous with other industry terms such as open lot, pasture lot, dirt lot, or dry lot.

Floor Area. The sum of all gross horizontal enclosed area of the floors of the building(s) and its accessory building(s) on the same lot, excluding basement floor areas and non-enclosed portions of the structure.

Floor Area Ratio. The numerical value obtained through dividing the floor area of a building or buildings by the area on which such building or buildings are located.



Flood Plain. A land area adjoining a river, creek, watercourse, or lake which is likely to be flooded and which is designated as such on the Flood Insurance Rate Map.

Game Lodge. A building or a group of two (2) or more detached, or semi-detached, or attached buildings occupied or used as temporary abiding place of sportsmen, hunters and fishermen, who are lodged with or without meals, and in which there are sleeping quarters.

Governing Body. The board of county commissioners, the city council or city commission.

High Voltage Transmission Line. A conductor of electric energy and associated facilities.

Hobby Farm. A parcel of land, together with fields, buildings, animals and implements, the residents of which may raise crops of livestock primarily for pleasure or a pastime, which does not generate a principal source of income for those residents.

Home Occupation. An occupation conducted in a dwelling unit provided that:

1. No more than two other persons, in addition to the members of the family residing on the premises, shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than 30 percent of the floor area is allowed for such occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding TWO SQUARE FEET in area, non-illuminating and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential district. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. No equipment or process shall be used in such home occupation which create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

Horticulture. The art or science of growing flowers, fruit, and vegetables.

Housed Lot. A totally roofed building that may be open or completely enclosed on the sides. Animals are housed over solid concrete or dirt floors, slotted floors over pits or manure collection areas in pens, stalls or cages. Housed lot is synonymous with other industry terms such as slotted floor buildings.

5

Improvements. Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading street signs, planning, and other items for the welfare of the property owners and the public.

Joint Jurisdictional Area. The area located outside the city municipality, designated by the Intergovernmental Agreement, that falls under the joint jurisdiction of the County and City.

Junk Yards. The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of a lot, or tract of land for the sale, storage, keeping, or abandonment of junk, scrap metal, or salvageable materials, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Kennel. Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

Landowner or owner. Any individual, firm, or corporation, public or private, or public agency, who has legal title to real property as shown by the records of the register of deeds of the county in which the real property is situated. If the real property is sold under a contract for deed and the contract is of record in the office of the register of deeds for Beadle County, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.

Landscaped Area. An area that is permanently devoted and maintained for the growing of shrubbery, grass or other plant material, and may include minor areas with non-living ground cover. Said minor areas will exclude the street right-of-way.

Landscaped Setback. Part of the designated yard required to be landscaped according to the provisions of this ordinance.

Large Wind Energy System or LWES. All WES facilities excluding Small Wind Energy Systems

Letter of Assurances. A list of conditions signed by the applicant for a permit acknowledging agreement to follow the conditions of the permit.

Lot. For the purpose of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. A portion of a subdivision or other parcel of plotted land, intended as a unit for transfer of ownership or for development.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under *Yards* as defined herein.

Lot Measurements:

1. DEPTH - of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and their rearmost points of the side lot lines in the rear; and
2. WIDTH - of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot.

Lot of record. A tract of land described as an integral portion of a subdivision plat which is property recorded in the Register of Deeds Office of Beadle County, South Dakota.

Lot Types. Any lot within the jurisdiction of this Ordinance shall be one of the following types:

1. CORNER LOT - A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting a curved street will be considered a corner lot if the interior angle of the side lot lines are less than 135 degrees.
2. INTERIOR LOT - An interior lot is defined as a lot other than a corner lot with only one frontage on a street.
3. THROUGH LOT - A through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Major Renovation. Reconstruction and/or renovation/remodeling of an existing structure to the extent of 75% or more of the replacement cost of said structure. Replacement cost shall be determined by use of the Marshall Swift Program which is used by the Beadle County Director of Equalization Office.

Manufactured Home. A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 or amendments thereof and has a permanent frame and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. Manufactured homes are constructed in accordance with HUD standards.

Mobile Home. A one-family dwelling unit of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

Mobile Home Park. Any premises where more than two mobile homes are parked for living or sleeping purposes, or any premises used or set apart for supplying to the public, parking space for two or more mobile homes for living and sleeping purposes, and which include buildings,

structures, vehicles, or enclosures used or intended for use of storing a vehicle. All proper utilities must also be present for said living quarters.

Modular Home. Factory-built housing certified by the building inspector as meeting the standards established by most current edition of the ICC Residential Building Code adopted by local resolution. A modular home has no permanent frame and is constructed in more than one section.

Motor vehicle. Includes all vehicles or machines, trailers, semitrailers, recreational vehicles, truck tractors, road tractors, and motorcycles propelled by any power other than muscular and used upon the public highways for the transportation of persons or property, or both, including traction engines, road rollers, farm wagons, freight trailers.

Municipality. A city or town, however organized, as defined in SDCL 9-1-1

Natural Drain. A drainage system which operates as part of a natural water course.

Natural Water Course. A fixed and determinate route by which water naturally flows from one parcel of real property to another due to the conformation of the land and by which water is discharged upon the land receiving the water. It is not necessary that the force of the flow of the water be sufficient to form a channel having a well defined bed or banks.


Natural Wetland. A natural depression or low area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes low areas, which are normally farmed or farmable and which, if improved by draining or filling, would permanently contribute to the natural watercourse.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Ordinance, which does not conform after passage of this Ordinance.

No-till Cropland. Land which is subject to a conservation farming practice: where the soil is left undisturbed from harvest to planting; where planting or drilling is done in a narrow seedbed or slot created by coulters, row cleaners, disk openers, or in-row chisel; and where this conservation practice has been ongoing for at least four consecutive years to establish the soil characteristics necessary to reduce or eliminate erosion from runoff.

Office of Planning and Zoning. The office designated by the Board of County Commissioners to administer and enforce this ordinance.

Open Lot (Agriculture). Pens or similar confinement areas with dirt, or concrete (or paved or hard) surfaces. Animals are exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed type shade areas. Open lot is synonymous with other industry terms such as pasture lot, dirt lot or dry lot.



Operator. An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Person. An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, Municipal Corporation, government agency, public utility district, consumer's power district, or any other entity, public or private, however organized.

Plat. A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which is submitted for approval and which will be recorded in final form.

Premises. A lot or parcel of land, improved or unimproved.

Public Utility Substation. An area where facilities are provided for the distribution of telephone, radio communications, water, gas, and electricity.

Resorts. Lodging, restaurant, bait shop, marina, or any combination of these.

Right-of-way. A general term denoting land, property or interest therein acquired for or devoted to an alley, street, road or highway use.

Rural or Rural Area. Any territory outside a municipality as defined in SDCL 9-1-1;

Sediment Basin. A basin constructed to trap and store water-born sediment and debris.

Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Shallow Aquifer. An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well. A well which is located in a shallow aquifer.

Shelterbelt. A strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock, residences, recreational areas, and wildlife from wind.

Signs. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, however, the following signs will not be governed within this Ordinance:

1. Signs not exceeding One Square Foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification not having a commercial connotation.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of building, except letters, trademarks, moving parts, or moving lights.
5. Signs directed and guiding traffic and parking on private property, but not bearing on advertising matter.

Sign, Off-Site (Billboards). A sign other than an exterior or interior on-site sign. Off-site signs are more conventionally known as billboards which generally advertise goods or services not available on the same site as the sign.

Sign, Exterior On-Site. A sign that is erected for purpose of being visible from the outside of the building or structure relating to said building or structure. Such signs will be regulated within this Ordinance.

Sign, Interior On-Site. A sign on the interior of the structure relating to subject matter to the premises which it is located, or to products, accommodations, services, or activities available on the premises. As long as any such sign is not normally visible from the exterior of the premises, it will not be regulated by this Ordinance.

Small Wind Energy System or SWES. A SWES facility with a single Tower Height of less than seventy-five (75) feet used primarily for on-site consumption of power.

Street. A street is constructed in a right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

Street Line. The lot line abutting right-of-way line.

Street-collector. Provides for traffic movement between major arterials and local streets, and direct access to abutting property.

Street-local. Provides for direct access to abutting land, and for local traffic movements.

Street-major. Provides for the through traffic movement between areas and across the city, and direct access to abutting property; subject to necessary control of entrances, exits, and curb use.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but not limited to, buildings, mobile homes, walls, signs, billboards, and poster panels.

Subdivider. A person, firm, co-partnership, association or corporation who submits a proposed subdivision.

Subdivision. The division of any tract or parcel of land into two or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development. The term includes resubdivision. This definition does not apply to the conveyance of a portion of any previously platted tract, parcel, lot, or site if the conveyance does not cause the tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning ordinance or subdivision ordinance applying to the tract, parcel, lot, or site.

System Height. The height above grade of the tallest point of the WES, including the rotor radius.

Telecommunications Facilities. Means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure. However, Telecommunications Facilities shall not include:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial: or
2. Any satellite earth station or antenna one (1) meter or less in diameter, regardless of zoning category.

Tower. Means a self supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Tower Height. The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Travel Trailer. A vehicle built on a chassis designed to be used as a temporary dwelling for travel and/or recreational uses. The body of this vehicle has a width not exceeding eight (8) feet.

Truck or Trailer Terminal. Any lot, structure, or premises used for the parking or storage of capital equipment such as trucks, trailers, or other like equipment.

Turbine. The parts of the WES including the blades, generator and tail.

Unauthorized Releases. The discharge of water from the lower end of the treatment or containment system through a release structure or over or through retention dikes. An unauthorized release is distinguished from a bypass in that a bypass discharges wastewater prior to any treatment or containment.

Unlicensed Vehicle. Motor vehicles and farm equipment that are not registered pursuant to SDCL 32-5.

Variance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land which is otherwise prohibited by this title. Whenever the word "variance" appears by itself, it means "zoning variance" unless the context clearly indicates otherwise.

Waste. Any manure (including a combination of manure, feed, and/or bedding material) or livestock production surplus water resulting from livestock operations. Waste may be solid, liquid, or semi-liquid.

Water course, drainage way, channel or stream. A natural or man-made depression in which a current of surface run-off water flows following precipitation.

Water Management Board. The state board created in SDCL 1-40-15;

Waters of the State. All waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Wetlands. Any area where ground water is at or near the surface a substantial part of the year; the boundary of which shall be defined as the area where the emergent aquatic vegetation ceases and the surrounding upland vegetation begins.

Wind Energy System or WES. A managed integrated system that converts wind movement into electricity. All of the following are encompassed in this definition of system:

- A. Tower or multiple towers, including foundations;
- B. Generator(s);
- C. Blades;
- D. Power collection systems, including pad mount transformers;
- E. Access roads, meteorological towers, on-site electric substation, control building, and other ancillary equipment and facilities; and

F. Electric interconnection systems or portion thereof dedicated to the WES.

Yard. A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the grade of the lot upward.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In case of corner lots, yards remaining after front yards have been established shall be considered side yards. Width of required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yard, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Zoning Administrator. The individual(s) appointed by the Board of County Commissioners and designated to administer and enforce the zoning ordinance.

Zoning Map. The map that delineates the extent of each district or zone established in the zoning ordinance.

Zoning Ordinance. Any ordinance adopted by the board of commissioner to implement the comprehensive plan by regulating the location and use of buildings and uses of land.

Zone X (shaded). Areas of .2% annual flood chance; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

TITLE 1

ZONING: GENERAL PROVISIONS

ARTICLE 11

RIGHT TO FARM COVENANT

RIGHT TO FARM COVENANT

Prepared by:

Beadle County Zoning Officer (or by Grantor or Grantor's Attorney)
Zoning Officer Address (or Grantor's or Grantor's Attorney's address)
Huron, SD 57350 (or Grantor's or Grantor's Attorney's city)

File form at:

Beadle County Register of Deeds
450 3rd Street SW
Huron, SD 57350

RIGHT TO FARM NOTICE COVENANT

You are hereby notified that the property you are purchasing is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for existing agricultural or agricultural processing operations to expand and any set-backs within the Beadle County Zoning Ordinances will not apply to your residence for said expansion. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to a county ordinance, may not be removed from the record title without consent of the Beadle County Commission.

Legal Description:

Signature

Date

STATE OF SOUTH DAKOTA COUNTY OF BEADLE

On this the ____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that _____ executed the same for the purposes contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires: _____

1

TITLE 2

ZONING AGRICULTURAL AREA

ARTICLE 1

AGRICULTURAL DISTRICTS (AG)

TITLE 2 – ARTICLE 1

AGRICULTURAL DISTRICT (AG)

SECTION 2-101 - Statement of Intent.

The intent of Agricultural Districts is to protect the 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.

SECTION 2-102 - Permitted Uses and Structures.

The following uses and structures shall be permitted in Agricultural Districts:

1. Any form of agriculture including the raising of crop, horticulture, animal husbandry, and kennels;
2. Dwellings and their normal accessory buildings including mobile homes;
3. Railroad track right-of-way;
4. Roadside produce stands in conjunction with a bona fide farm operation on the premises;
5. Greenhouses of a nonretail nature;
6. All utility systems necessary to service the district; and
7. The sale of seed.
8. Concentrated animal feeding operations under 1000 animal units.

SECTION 2-103 - Conditional Uses.

Upon application and after notice, payment of permit fees and appropriate safeguards, the Board of Adjustment may permit the following conditional uses in the AG District.

1. Agricultural product processing facilities;
2. Airports;
3. Amphitheaters, stadiums, drive-in movies, arenas, and field houses;
4. Aquaculture;

5. Auction yards and barns;
6. Auto sales or vehicles, including trailers;
7. Campgrounds;
8. Cemeteries;
9. Churches;
10. Concentrated Animal Feeding Operations over 999 animal units;
11. Commercial trucking terminals;
12. Day care centers;
13. Day cares, group family home;
14. Exhibition areas;
15. Extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining in SD Law;
16. Fairgrounds, racetracks, and amusement parks;
17. Fireworks stands;
18. Game Farms;
19. Game Lodges;
20. Go-cart tracks, riding stables, playfields, athletic fields, bowling alleys, swimming pools, automobile parking;
21. Golf courses, country clubs, and golf-driving ranges;
22. Home occupations;
23. Junkyards/Salvage Yards, provided that they meet the following minimum requirements and other restrictions that the Board of Adjustment may deem appropriate:
 - A. Junkyards/salvage yards shall be set back a minimum of one thousand three hundred twenty (1320) feet from any adjoining road right-of-way.

2