

TITLE 5

ZONING

JOINT JURSDICTIONAL AREAS

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Title 5- JOINT JURISDICTIONAL AREA REGULATIONS

Section 5-101 Introduction.

The Joint Jurisdictional Area is approximately two miles around the outside of the incorporated limits of the city of Huron. The joint jurisdictional area will encompass the following zoning districts: Ag fringe district (AGFD), residential districts of R-O (large lot); R-1 (one family); R-2 (one family); R-7 (urban/rural); business districts of B-3 (general business); and I-2 (general industrial).

Section 5-102 - Intent.

The key fundamental issue generating overall concern on the part of the city and Beadle County for the joint jurisdictional area is the continuation and spread of remote but concentrated development. This development is in the form of urban densities and urban types of use which must be addressed for both entities for future service capability or land use compatibility. Numerous elements lead to and compound this situation. Listed in this chapter are some of the issue elements.

Section 5-103 - Land use objectives.

A. Land use shall be developed and maintained which will keep the urban areas consolidated to minimize the need for public services. Support will be given to keeping land parcels large enough to permit agricultural, quasi-agricultural (hobby farms, horse stables, etc.) or conservation uses in designated rural areas. Land in rural areas shall be regulated to address residential development through the establishment of minimum lot sizes and other appropriate regulations.

1. General:

- (a) Protection of floodplain and drainage areas;
- (b) Prevention of potential ground and surface water pollution through controls on runoff drainage and concentrated development;
- (c) Mix of agricultural, residential, business and industrial use with proper controls to ensure compatibility of operation;
- (d) Location of development with concern for future public service needs;
- (e) Compatibility of area development with features of the natural environment;

2. Rural/agricultural:

- (a) Prevention of loss and disruption of productive crop land by nonagricultural development;
- (b) Preservation of woodlands, windbreaks and water areas.

3. Residential:

- (a) Provisions for widely dispersed housing development in rural areas;
- (b) Control over the expansion of dense pockets and strip rows of housing which may result in pollution and health hazards;

- (c) Creation and/or improvement of standards for proper development of the types of residential uses to be allowed (i.e. mobile homes, single family residences, apartments).
- 4. Commercial/business:
 - (a) Prevention of improper forms of strip commercial development along major access routes;
 - (b) Prevention of drainage and pollution problems resulting from commercial agricultural (animal confinement) businesses;
 - (c) Control over the mix and type of commercial uses with respect to residential development and use.
- 5. Industrial:
 - (a) Location of industrial uses compatible to the surrounding neighborhood;
 - (b) Utilization of existing industrial parks and land within the city rather than continued spread into undeveloped and unserved areas.

Section 5-104 - Administrative policies.

- A. The city and county shall be responsible for enforcement of zoning in their respective zoning districts. The focus of development shall be on building codes, sewer, water and utilities provisions and zoning conformance.
- B. In large lot residential areas, verification of building placement on lots with resubdivision potential shall be encouraged.
- C. Building inspections shall not be conducted on Ag related structures in the Ag fringe district unless requested.
- D. All nuisance complaints and zoning infractions shall be addressed by both the city and county jointly or their representatives.
- E. All land sold in this district must be platted and an agricultural protection disclaimer must be filed with the register of deeds at the same time the plat is filed.
- F. Annexation can be requested if the land is contiguous to city limits. Annexation is generally required to receive municipal sewer and water service.
- G. Provisions for the periodic review and re-delineation of the joint jurisdictional area shall take place when annexation takes place; or if development warrants.
- H. In the event of an annexation, the joint city/county planning commission shall reconsider the area encompassed in the joint jurisdictional area. The intent of this section of the chapter is that the joint jurisdictional area should extend approximately two miles outside of the city of Huron municipal boundary and that the joint planning commission would act to maintain an area of joint jurisdiction which would equal that which existed prior to the annexation.
- I. The limits of the joint jurisdictional area should utilize section lines or one-fourth section lines.
- J. Public services should be addressed prior to future expansion of the city in cases of annexation and the issue of possible sanitation districts outside the city limits.

Section 5-105 - General provisions.

- A. Introduction. The joint planning commission consists of the city of Huron planning commission and the Beadle County planning commission.
- B. Application of this title shall be governed by the general provisions contained in this chapter.
- C. Planning and Zoning Control Districts Designated. In order to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes both within the municipal boundary and in the surrounding land which affects the growth and service demands upon the city, two planning and zoning control areas have been established.
- D. City Planning and Zoning Control Area. The city planning commission and city commission shall have the planning and zoning control for the area within the municipal boundaries of Huron.
- E. Joint City-County Planning and Zoning Control Area. The planning and zoning of the following area shall be controlled jointly by the city and county planning commissions and governing boards in the manner described in this chapter. The area of joint control lying outside the municipal boundaries is indicated on the official zone map.
- F. Joint Control Area Planning and Zoning Procedures. Both the city and Beadle County shall share in the costs and responsibilities of planning and zoning the land under joint control. Actions of planning and zoning may be held in separate or joint sessions of the governing bodies as they deem appropriate. Both governmental entities must agree on the original and any changes in zoning districts and governing regulations. If either body believes that an action would be detrimental to its interests, it shall state the reason therefor, and the action shall be nullified by the negative vote of one or both governing bodies.
- G. Joint Control Area Administration. Administration of the joint control area shall be done on a contract basis between the city and the county. As much as possible, costs shall be distributed in proportion to the authority exercised by each governmental entity. The county does not consider it necessary to have inspections on agricultural structures in the agricultural fringe protection district, however it may be in the public interest to establish an inspection program in the residential, commercial and industrial districts.
- H. Joint Control Area Regulations. Separate county and city zoning regulations shall be used within the joint control area in order to maintain the integrity of agricultural lands while assuring that land zoned for more dense development are compatible with city specifications in case of eventual annexation or the need for service extensions. Within the area of joint control, all lands zoned Ag fringe shall conform with the zoning regulations, definitions and other appropriate controls of Beadle County while all lands zoned for residential, commercial or industrial use shall conform with the zoning ordinances, definitions and other appropriate controls of the city.
- I. Zoning of Annexed Property. When land is annexed to the city, the planning commission shall review the zoning of such area and shall recommend to the governing body if any change should be instituted to create a more desirable or proper zone for the land. Until such

time as any zoning change may be made, the land shall continue to be in the zoning district in which it was previously classified.

- J. Interpretation and Application. The provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- K. Restrictive Conditions. Where the conditions imposed by any provision of this title are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- L. Conformity of Structure. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this title.
- M. Separability Clauses. It is the intention of the governing body that the various provisions of this title are separable in accordance with the following:
 - 1. If any court of competent jurisdiction shall adjudge any provision of this title to be invalid, such judgment shall not affect any other provisions of this title not specifically included in the judgment;
 - 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this title to a particular property, building or other structure, such judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.
- N. Conditional Use Permit. Whenever this title requires a conditional use permit, an application in writing shall be filed, on behalf of the city and county boards of adjustment, with the county zoning administrator or the city planning and inspections office with such filing fee. Applications shall state the circumstances or conditions for which the conditional use is sought and shall note the peculiar and practical difficulties claimed as a basis for the request for the conditional use permit:
 - 1. Site plan drawn at scale showing dimensions;
 - 2. Location of all buildings, heights and square footage;
 - 3. Curb cuts, driveways, parking spaces;
 - 4. Off-street loading areas;
 - 5. Drainage plan;
 - 6. Type of business, proposed number of employees by shift;
 - 7. Proposed floor plan with use indicated;
 - 8. Sanitary sewer and water plan with estimated use per day;
 - 9. A statement showing why such conditional use cannot be located and conducted in zoning districts not requiring such conditional use permits;
 - 10. The actual uses of all property within a radius within one hundred feet of applicant's petition together with a map, plot or plan showing all elevations, building locations,

sideyards, fences and other related information shall be filed with the zoning administrator and building inspector.

- O. Conditional Use Permit—Referral to the Joint Planning Commission. Not less than five days nor more than ten days in advance of the first public hearing of the joint planning commission, the city or the county zoning administrator shall cause a notice of the proposed conditional use to be sent to all persons owning property within a minimum of one hundred fifty feet, excluding all public rights-of-way, of the applicant's property. Such letter of notice shall state the nature of the application as well as the time and place of the first public hearing. Not less than five days nor more than ten days in advance of the first public hearing of the joint planning commission, the city or county zoning administrator shall cause a sign to be posted on the subject property. The sign shall state the nature of the application and the date, time and place of the first public hearing. At the first public hearing, the joint planning commission shall conduct a hearing to obtain testimony regarding the application and shall make written findings as spelled out in this title. Based on these findings, the joint planning commission shall either recommend that the board of adjustment grant or deny the application in conformance with the findings. If the applicant desires to withdraw his application after consideration by the joint planning commission, he may do so and will be returned one-half of his application fee deposit.
- P. Conditional Use Permit—Notice and Hearing by the Respective Boards of Adjustment. Upon receipt of any conditional use application from the joint planning commission, the boards of adjustment shall conduct the second hearing of the application of the conditional use permit at their next regular meeting.
1. The agenda of the board of adjustment shall be published at least once before the second hearing and shall state that a conditional use has been requested and shall state the date, time and place of the second hearing.
 2. At the time set for the second hearing the board of adjustment shall consider the recommendation of the joint planning commission, their findings and all written and oral testimony, and shall make written findings pertaining to the conditional use permit as noted in this title. Based on these findings, the board of adjustment may grant or deny the conditional use with or without conditions.
- Q. Conditional Use Permit—Findings of Fact.
1. A conditional use permit may be granted where conducted under specified conditions and will not be detrimental to the health, safety or general welfare of the public or surrounding area.
 2. In any hearing concerning the requested conditional use permit, the applicant carries the burden of proving that the request complies with the findings and that the granting of the conditional use permit is in keeping with the spirit and intent of this chapter.
 3. The board of adjustment may grant a conditional use permit specifying the conditions for location and conditional use operations. If at any time the applicant fails to abide by the conditions under which the permit is granted, the board of adjustment may revoke the permit after reasonable notice and public hearing.
 4. The application, related file, and findings shall address the following specific criteria:

- (a) Compatibility with the zoning district;
 - (b) Adverse effect on the character of the area by an increase in such elements as dust, odors, noise, gas and traffic volumes;
 - (c) Opposition of surrounding property owners;
 - (d) The public safety;
 - (e) Effect on established property values.
- R. Zoning Variance. An application for a zoning variance, as defined means 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. An application shall be filed, on behalf of the board of adjustment, with the zoning administrator and building inspector with such filing fee. Applications shall state the special circumstances or conditions applying to the land or building for which the variance is sought and shall note the peculiar and practical difficulties claimed as a basis for the request for a zoning variance.
- S. Zoning Variance—Referral to the Joint Planning Commission. Not less than five days nor more than ten days in advance of the first public hearing of the Joint Planning Commission, the city or county zoning administrator shall cause a notice of the proposed zoning variance to be sent to all persons owning property within a minimum of one hundred fifty feet, excluding all public rights-of-way, of the applicant's property. Such letter of notice shall state the nature of the application as well as the time and place of the first public hearing. Not less than five days nor more than ten days in advance of the first public hearing of the joint planning commission, the city or county zoning administrator shall cause a sign to be posted on the subject property. The sign shall state the nature of the application and the date, time and place of the first public hearing. At the first public hearing, the joint planning commission shall conduct a hearing to obtain testimony regarding the application and shall make written findings as spelled out in this title. Based on these findings, the joint planning commission shall either recommend that the boards of adjustment grant or deny the application in conformance with the findings. If the applicant desires to withdraw his application after consideration by the joint planning commission, he may do so and will be returned one-half of his application fee deposit.
- T. Zoning Variance—Notice and Hearing by the Respective Boards of Adjustment. Upon receipt of any variance applications from the joint planning commission, the boards of adjustment shall conduct the second hearing of the application of the variance at their next meeting.
- 1. The agenda of the board of adjustment shall be published at least once before the second hearing and shall state that a zoning variance has been requested and shall state the date, time and place of the second hearing.
 - 2. At the time set for the second hearing, the board of adjustment shall consider the recommendation of the joint planning commission, their findings and all written and oral testimony, and shall make written findings of fact pertaining to variance as noted in this title. Based on these findings of fact, the board of adjustment may grant or deny the variance with or without conditions.

U. Zoning Variance—Findings of Fact.

1. A variance may be granted to the strict application of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, and so that the spirit of the title shall be observed and substantial justice done.
2. In any hearing concerning the requested variance, the applicant carries the burden of proving that the request complies with the necessary findings and that the granting of a variance is in keeping with the spirit and intent of this chapter.
3. In granting a variance, the board of adjustment shall prescribe any conditions and safeguards that it deems to be necessary or desirable. Such variance may be granted upon finding that there exists an unnecessary hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege. The board of adjustment may find that some or all of the following conditions exist:
 - (a) The plight of the applicant is due to unique circumstances of their property;
 - (b) The plight of the applicant is not due to the circumstances or conditions of the neighborhood or zone;
 - (c) The unique circumstances which render the property incapable of being used in compliance with this chapter have not been caused or created by any actions of the applicant;
 - (d) The variance requested is the minimum variance which is necessary for the reasonable use of the property;
 - (e) The variance requested can be granted with substantial justice to the applicant as well as other property owners in the area;
 - (f) That the granting of this variance will be in harmony with the general purpose and intent of this chapter while maintaining the integrity of the comprehensive plan;
 - (g) The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare;
 - (h) That for an area variance, compliance with the strict application of this chapter governing area, setbacks, frontage, sideyards, height, bulk or density will unreasonably prevent the owner from using the property for a permitted purpose;
 - (i) That for a use variance, the land in question cannot yield a reasonable return if only used for a purpose allowed in the zone.

Agricultural Fringe Protection District (AGFP)

Section 5-201 – Statement of Intent.

The intent of the agricultural fringe protection district (AGFP) in the joint jurisdiction area is to protect agriculturally zoned land from premature development that would inhibit orderly growth and development within the fringe area while maintaining normal agricultural undertakings.

The AGFP district in the joint jurisdiction area covers the unincorporated portions of the county within the joint jurisdictional area which is zoned agricultural at the time this chapter is adopted or updated. The intent of this district is to maintain, preserve and enhance agricultural and open-space lands; to support commercial agriculture as an important permanent land use and a significant contributor to the diverse economy of the county; to protect areas of farm use from conflicting non-farm uses and influences; to control non-farm growth ensuring compatible land uses adjacent to agricultural lands; and, to maintain and improve the quality of air, water and land resources of the county for the benefit of future generations.

Section 5-202 – Permitted Uses and Structures.

The following principal uses and structures shall be permitted in the AGFP district in the joint jurisdiction area:

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 product stands in conjunction with a bona fide farm operation on the premises;
5. Hobby farms; and
6. All utility systems necessary to service the district.

Section 5-203 – Conditional Uses and Structures.

After notice and appropriate safeguards, the joint planning commission may recommend to the city and county commissions to permit the following conditional uses in the AGFP district in the joint jurisdiction area.

1. Fairgrounds, racetracks and amusement parks;
2. Utility substations;
3. Airports (public) and private plane landing strips;
4. Cemeteries;
5. Home occupations;
6. Golf courses, country clubs and golf driving ranges;
7. Amphitheaters, stadiums, drive-in movies, arenas and field houses;

8. Go-cart tracks, riding stables, playfields, bowling alleys, swimming pools, automobile parking;
9. Farm equipment sales;
10. Public parks, public recreational areas;
11. Churches and schools;
12. Operation and maintenance terminals for trucks and other equipment; and
13. Greenhouses.

Section 5-204 – Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted in the AGFP district in the joint jurisdiction area:

1. Accessory structures commonly associated with farms and all incidental dwelling related uses and structures such as car garages and recreational courts.

Section 5-205 – Determination of Uses and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses of AGFD land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof to the zoning board of adjustment that this request is the type of use allowed in the AGFD, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-206 – Minimum/Maximum Requirements:

1. Front yard and side yard setbacks adjacent to a road right-of-way shall be not less than seventy-five feet.
2. Side yard setback not adjacent to a public road shall be at least twenty feet.
3. Minimum Lot Size. The minimum lot size shall be five acres.
4. Minimum Lot Frontage. There shall be a frontage of not less than three hundred feet.
5. All lots will front on a right-of-way dedicated to public use or have an ingress/egress easement for access.
6. All lots within this district shall be platted.
7. The maximum residential dwelling density shall be four residences per quarter section, except where more than one residence is necessary for persons employed on a farm, and then additional dwellings may be allowed by conditional use. Exceptions may be considered through the variance process.

Section 5-207 - Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or

replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-208 – Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-209 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with U.S. Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County Zoning Administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, the Beadle County Planning Commission shall have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-210 - Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate town or township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter (1/4) mile on each side of the road.

Section 5-211 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the AGFP district will be heard by the zoning board of adjustment, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the county planning commission will be forwarded to Board of Adjustment for consideration and action.

Section 5-212 - Enforcement.

The enforcement of this AGFP district within Beadle County shall be the responsibility of the county zoning administrator under the authority of the Beadle County Commission.

Section 5-213 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

Large Lot Residential (R-O)

Section 5-301 – Statement of Intent.

The intent of the "R-0" large lot residential district in the joint jurisdiction area is to provide an alternative living environment for persons desiring larger acreage than is practical in a city yet generally less acreage than is necessary for agricultural pursuits. It is intended that this district will provide a minimum of public utilities, services or improvements, and a strictly rural type environment as commonly known in terms of open space, odors, noises, dust and self-sufficiency.

Section 5-302 – Permitted Principal Uses and Structures.

The following principal uses and structures shall be permitted in the "R-0" large lot residential district in the joint jurisdiction area:

1. Single-family dwellings;
2. Churches and schools;
3. Hobby farms according to the provisions of Section 5-313;
4. Modular homes (as defined in the City Zoning Ordinance);
5. Child care facilities, Class 1.

Section 5-303 – Conditional Uses and Structures.

The following uses may be permitted in the "R-0" large lot residential district in the joint jurisdiction area with special restrictive conditions to reduce the incompatibility of the use after special application and commission review:

1. Outdoor recreational facilities such as riding stables, golf courses, public swimming pools and public tennis courts;
2. Major utility or radio towers, substation or transmission lines;
3. Kennels;
4. Child care facilities, Class II.

Section 5-304 – Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted in the "R-0" large lot residential district in the joint jurisdiction area.

1. All accessory uses and structures commonly associated with residential lots such as automobile garages, swimming pools, tennis courts and lawn sheds;
2. All accessory uses and structures commonly associated with a hobby farm such as small barns, storage for a tractor or other farm equipment and small stables;
3. Parks;
4. Home occupations and noncommercial greenhouses;
5. All utility systems necessary to serve the district.

Section 5-305 – Determination of Uses and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses of large lot residential land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof through the variance process to the board of adjustment that this request is the type of use allowed in the large lot residential district, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-306 – Minimum/Maximum Requirements.

The "R-0" large lot residential district in the joint jurisdiction area shall maintain a rural character of residential development by use of the following requirements:

1. Minimum Lot Size: The minimum lot size shall be five acres unless the residence constructed on the lot is connected to municipal water and sanitary sewer in which case a two acre lot size may be permitted by the joint planning commission. In no case will lots smaller than two acres be permitted;
2. Minimum Lot Frontage: The minimum lot frontage shall be three hundred feet;
3. Minimum Lot Depth: The minimum lot depth shall be two hundred seventy-five feet;
4. Minimum Front Yard Setback: There shall be a minimum setback from the front property line (fence line) of not less than seventy-five feet;
5. Minimum Rear Yard: The minimum rear yard shall be fifty feet;
6. Minimum Side Yard Setback: Side yard setback, adjacent to a public road, shall be at least seventy-five feet from public road right-of-ways (fence line). Side yard setback (not adjacent to a public road) shall not be less than twenty feet;
7. Maximum Structure Height: The maximum structure height is thirty-five feet.

Section 5-307 – Additional Requirements.

1. Maximum Lot Coverage: The maximum lot coverage for all structures shall be ten percent;
2. Minimum Dwelling Size: Minimum dwelling unit size of seven hundred square feet;
3. Platting Required: All lots within this district shall be platted.

Section 5-308 - Variances.

Requests for variances or conditional use permits in the "R-0" district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-309 – Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-310 – Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-311 - Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate town or township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter (1/4) mile on each side of the road.

Section 5-312 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County Zoning Administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-313 - HOBBY FARMS or Stabling, Pasturing, Raising of Livestock on Small Acreages.

1. Hobby farm. Definitions and controls:
 - a. A hobby farm is a parcel of land that is zoned R-0 consisting of at least five (5) acres or more upon which farming activities occurs.
 - b. The use of rural residential land for purposes, including dairying, pasturage, apiculture (bees), floriculture (flowers and ornamental plants), viticulture (grapes),

and animal and poultry husbandry used for either hobby or recreational purposes or to supplement household food supply.

- c. Activities may include planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards.
 - d. Hobby farming shall not include feed lots, stock yards, or commercial feeding of garbage or offal (waste from butchered animals) to swine or other animals.
 - e. A five (5) acre or more tract of land used for the production, keeping or maintenance of farm animals for either hobby or recreational purposes and to supplement household food supply to the occupants of a dwelling on the same tract.
 - f. The owner of the livestock shall reside on the property where the livestock are kept. If the owner of the livestock does not reside on the property where the livestock are kept, the owner is required to apply for and obtain a conditional use permit.
 - g. Hobby farms located on land zoned R-0 that keep or maintain livestock shall provide and continuously maintain a minimum of one acre of open land available per animal unit for animal exercise and manure management.
 - h. Animal unit. A unit of measurement for livestock based on the amount of waste produced by the animal. For the purposes of this ordinance, animal units shall be calculated according to the table below. Animal units relate to inventory on any particular day rather than annual production. Animal units are computed by multiplying the number of head of a particular breed or type of animal, times the corresponding animal unit equivalent from the table. Other animal species equivalents, which are not listed in the table, will be based on that species' waste production.
 - i. Animal Unit Equivalent by Animal Species (Animal Units) (See Definitions Title 1 Article 10).
2. On land zoned "R-0" in the Joint Jurisdictional Area surrounding the City of Huron where "Hobby Farms" are listed as a permitted use, a maximum of one (1) animal unit per useable acre of pasture, pens or corrals (useable acres for livestock do not include house, buildings, yard, gardens, trees, driveways, etc.) may be allowed. R-0 zoned small acreages, existing as of April 1, 2012, that contain animals on the effective date of this ordinance are allowed to expand the existing number of animal units to the maximum density allowed (one (1) animal unit per useable acre) without having to acquire the approval of the city and county commissions. After the adoption of this ordinance the creation of a new hobby farm where the owner(s) desire the keeping of more than one (1) animal unit per useable acre shall require the applicant to request and obtain a conditional use permit. After the effective date of this ordinance, the keeping of seasonal livestock will be allowed to continue at numbers comparable to the preceding 12 months.
3. The stabling, pasturing, raising of livestock inside Huron city limits shall be prohibited. Livestock are not grandfathered in if a property is annexed into the city.

4. The stabling, pasturing, and/or raising of livestock on acreages located outside city limits in the Joint Jurisdictional Area and zoned "R-1 One Family Residential" shall be prohibited.
5. All livestock feeding and loafing areas, buildings housing livestock, and manure storage areas must be at least:
 - a. One hundred (100) feet from all property lines; and
 - b. Two hundred (200) feet from the nearest existing dwelling other than the dwelling of the owner or occupant; and
 - c. Two hundred (200) feet from any ground water well.

For the purposes of this requirement, a "feeding or loafing area" is defined as any building or lot that houses animals, and where a vegetative cover cannot be maintained. Pasture fences may be located up to the property lines.

6. If, at the time that the ordinance is adopted, the owner or tenant has more animal units than allowed, the owner or tenant cannot increase the number of animal units on site at the time this ordinance was adopted, and if the owner or tenant decreases the number of animal units (less than the owner or tenant had on site at the time this ordinance was adopted but still more than allowed by code) for more than 12 months, the owner or tenant cannot later increase the number of animal units as defined in this ordinance unless the owner or tenant applies for and receives a conditional use permit.
7. In order to request, with the possibility to obtain, a conditional use permit, the Joint Planning and Zoning Commission and the city and county Boards of Adjustment will require and consider the following:
 - a. The applicant shall demonstrate that he/she has sufficient number of acres of land to support the proposed number of animal units to be stabled, pastured, and/or raised.
 - b. The Joint Planning Commission may recommend conditions to include, but not be limited to, requirements for minimum separation of livestock from adjacent properties, livestock and opaque screen fencing, location and time periods for hay storage, vector control, etc.
 - c. A written manure or similar animal waste management plan that details the management and safe disposal of the manure generated on the site is required as a part of the application. The timeline for disposal and location of manure disposal must be specified in the plan. For example, a manure management plan might say that the owner intends to use a manure spreader to spread all accumulated animal waste annually on his own fields and pastures.
 - d. Other items and information may be requested and considered at the discretion of the Joint Planning Commission.
8. Manure or similar animal wastes shall not become a nuisance to neighboring properties. The following conditions shall apply to manure and animal waste management on hobby farms:

- a. No manure or animal waste shall be stockpiled for periods in excess of one hundred twenty (120) days; and
- b. No manure or animal waste stockpile shall be located closer than one hundred (100) feet to any property line in the R-0 district and one hundred (100) feet to any property line in an area zoned for residential uses; and
- c. Any manure stored on site shall be located at least two hundred (200) feet from any ground water well; and
- d. Manure or animal waste will not be burned as the method of disposal; and
- e. Where manure management has become a problem, the owner may be charged with a violation of municipal and county ordinances.

Section 5-314 - Enforcement.

The enforcement of the "R-0" district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-315 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

One-Family Residential (R-1)

Section 5-401 - Intent.

The intent of one-family residential (R-1) district in the joint jurisdiction area is to provide for residential uses of varying types and other compatible uses in a pleasant and stable environment within a rural or sanitary sewer district. This district shall generally be located where the value of the land for agricultural use is marginal and where the water supply, sewage disposal, roads and emergency services are easily and economically available.

Section 5-402 – Permitted Uses.

Within any "R-1" one-family residential district in the joint jurisdiction area, no structure shall be used except for one or more of the following uses:

1. Single-family detached dwellings;
2. Public parks and playgrounds subject to City Zoning Ordinance;
3. Child care facilities, Class I;
4. Modular homes;
5. Noncommercial horticultural uses;
6. Home occupations and professional offices;
7. Public recreational uses and park facilities.

Section 5-403 – Conditional Uses.

Within any "R-1" one-family residential district in the joint jurisdiction area, no structure or land shall be used for the following uses except by conditional use permit:

1. Public and parochial schools which teach a curriculum similar to public schools provided:
 - (a) No building shall be located within fifty feet of any lot line of an abutting lot in an "R" use district, and
 - (b) A fence shall be erected along the boundary line which is common with private property not owned by the school;
2. Churches, synagogues and temples including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site provided no building shall be located within fifty feet of any lot line of an abutting lot on an "R" district;
3. Municipal buildings and utility structures subject to the following:
 - (a) Water pump houses which if not located below grade on a landscaped site shall be in a building which conforms to yard requirements and architectural style of the neighborhood,
 - (b) Gas regulator stations, electric power substations which if not located below grade on a landscaped site shall conform to yard requirements and architectural style of

the neighborhood. Should the structure require fencing, the fence shall be located in conformance to all yard requirements,

- (c) Water towers shall be so located as to conform to all yard requirements,
 - (d) Electric power transmission line towers shall be so located as to share the right-of-way or be directly abutting rights-of-way for railroads or major thoroughfares,
 - (e) Park buildings, provided no building is less than fifty feet from a lot line of an abutting lot line in an "R" district,
 - (f) Public transportation shelters which are open may be erected to within one foot of the public right-of-way;
4. Golf courses, country clubs, tennis clubs, swimming pools serving more than one family provided:
- (a) No principal buildings are within fifty feet of a lot line in an "R" district,
 - (b) "Golf course" means one averaging one hundred fifty yards per hole or more with not less than five holes,
 - (c) "Country club" shall have at least a nine-hole golf course,
 - (d) All golf courses shall provide a link fence along the boundaries common to private land,
 - (e) Tennis clubs shall not provide lighted courts after eleven p.m., and
 - (f) Swimming pools shall not be nearer than twenty-five feet to a lot line in an "R" district;
5. Signs as regulated by the City Zoning Ordinance;
6. Commercial greenhouses and vegetable stands selling products grown on the premises;
7. Operation of through trains, but not switching, storage or other railroad operations;
8. Multiple-family dwellings;

Section 5-404 – Permitted Accessory Uses.

Within the "R-1" one-family residential district in the joint jurisdiction area the following uses shall be permitted accessory uses:

- 1. Private garages, parking space, carport for passenger cars and for one straight truck not to exceed twenty-five thousand GVW and truck tractors, when controlled by the occupant of the dwelling;
- 2. Private swimming pool and tennis court provided such pool is adequately fenced and located not less than ten feet from the lot line;
- 3. Home occupations require home occupation permit from the city and county commissions;
- 4. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time normally necessary for such construction;
- 5. Gardening and other noncommercial horticultural uses;

6. Decorative landscape features;
7. Garage sales, provided that no sale shall continue for more than two days and frequency shall not be greater than twice a year. A "garage sale," for purposes of this title, means the display of used goods and/or salesmen's samples and sale of the goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

Section 5-405 – Determination of Uses and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses of R-1 land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof to the board of adjustment that this request is the type of use allowed in the R-1 district, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-406 – Minimum/Maximum Requirements.

Requirements within the "R-1" one-family residential district in the joint jurisdiction area shall be as follows:

1. Maximum Height: No structure or building shall exceed three stories or thirty-five feet plus peak in height, whichever is lesser in height;
2. Side Yard Setback: A side yard abutting a public road shall not be less than thirty feet in width;
3. Front Yard Setback: A front yard abutting a public road shall not be less than thirty (30) feet in depth;
4. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section and the City Zoning Ordinance:
 - (a) The minimum lot width for a one-story structure shall be one hundred (100) feet with a front and rear yard setback of thirty (30) feet and a side yard setback (not adjacent to a public road) shall be ten (10) feet;
 - (b) The minimum lot width for a two-story structure shall be one hundred (100) feet with a front and rear yard setback of thirty (30) feet and a side yard setback (not adjacent to a public road) shall be fifteen (15) feet;
 - (c) The minimum lot width for a three-story structure shall be one hundred (100) feet with a front and rear yard setback of thirty (30) feet and a side yard setback (not adjacent to a public road) shall be eighteen (18) feet.
5. Minimum Lot Size: The minimum lot size shall be five acres unless the house is connected to municipal water and wastewater treatment system. In no case will lots smaller than two acres be permitted.

Section 5-407 – Additional Requirements.

1. Platting Required: All lots within this district shall be platted.

Section 5-408 - Variances.

Requests for variances or conditional use permits in the "R-1" one-family residential district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-409 – Protection of Natural Waterways.

No building or construction shall be permitted within one hundred (100) feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-410 – Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-411 - Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate town or township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter ($\frac{1}{4}$) mile on each side of the road.

Section 5-412 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-413 - Enforcement.

The enforcement of the "R-1" one-family residential district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-414 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

One Family Residential R-2

Section 5-501 – Permitted Uses.

Within any "R-2" one family use district, no structure shall be used except for one or more of the following uses:

1. One family detached dwellings;
2. Public parks and playgrounds;
3. Child care facilities, Class I;
4. Modular home;
5. Manufactured homes.

Section 5-502 – Conditional Uses.

Within any "R-2" one family use district, no structure or land shall be used for the following uses except by conditional use permit:

1. Public and parochial schools which teach a curriculum similar to public schools provided;
 - (a) No building shall be located within fifty feet of any lot line of an abutting lot in an "R" use district, and
 - (b) A fence shall be erected along the boundary line which is common with private property not owned by the school;
2. Churches including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site provided no building shall be located within fifty feet of any lot line of an abutting lot on an "R" district;
3. Municipal buildings and utility structures subject to the following:
 - (a) Water pump houses and sanitary sewage lift stations which if not located below grade on a landscaped site shall be in a building which conforms to yard requirements and architectural style of the neighborhood,
 - (b) Gas regulator stations, electric power regulator stations and telephone regulator stations, which if not located below grade on a landscaped site shall be in a building which conforms to yard requirements and architectural style of the neighborhood. Should the structure require fencing, the fence shall be located in conformance to all yard requirements,
 - (c) Water towers shall be so located as to conform to all yard requirements,
 - (d) Electric power transmission line towers shall be so located as to share the right-of-way or be directly abutting rights-of-way for railroads or major thoroughfares,
 - (e) Park buildings, provided no building is less than fifty feet from a lot line of an abutting lot line in an "R" district,

- (f) Public transportation shelters which are open may be erected to within one foot of the public right-of-way;
- 4. Golf courses, country clubs, tennis clubs, swimming pools serving more than one family provided:
 - (a) No principal buildings are within fifty feet of a lot line in an "R" district,
 - (b) "Golf course" means one averaging one hundred fifty yards per hole of more with not less than five holes,
 - (c) "Country club" shall have at least a nine-hole golf course,
 - (d) All golf courses shall provide a link fence along the boundaries common to private land,
 - (e) Tennis clubs shall not provide lighted courts after eleven p.m., and
 - (f) Swimming pools shall not be nearer than twenty-five feet to a lot line in an "R" district;
- 5. Land reclamation and mining;
- 6. Greenhouses and vegetable stands selling products grown on the premises;
- 7. Operation of through trains, but not switching, storage or other railroad operations.

Section 5-503 – Permitted Accessory Uses.

Within the "R-2" one family district the following uses shall be permitted accessory uses:

- 1. Private garages, parking space, carport for passenger cars and for one straight truck not to exceed twenty-five thousand GVW and truck tractors, when owned by the occupant of the dwelling;
- 2. Accessory buildings other than private garages not to exceed two hundred square feet;
- 3. Private swimming pool and tennis court provided such pool is adequately fenced and located not less than ten feet from the lot line;
- 4. Home occupation (requires certificate of occupancy);
- 5. Signs, as regulated herein;
- 6. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time normally necessary for such construction;
- 7. Gardening and other horticultural uses;
- 8. Decorative landscape features;
- 9. Keeping of not more than two boarders or roomers by resident family;
- 10. Garage sales, provided that no sale shall continue for more than two days and frequency shall not be greater than twice a year. A "garage sale," for purposes of this title, means the display of used goods and/or salesmen's samples and sale of the goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

Section 5-504 – Minimum/Maximum Requirements.

Requirements shall be as follows:

1. The minimum lot size shall be five acres unless the homeowner can illustrate that a certified wastewater treatment system will operate properly on a smaller lot. In no case will lots smaller than two acres be permitted
2. No structure or building shall exceed three stories or thirty-five feet, whichever is the lesser in height;
3. A side yard abutting on a street shall not be less than twenty feet in width;
4. The following minimum requirements shall be observed subject to the additional requirements, herein;
 - a. The minimum lot width for a one story structure shall be sixty feet with a front and rear yard setback of thirty feet and a side yard setback (not adjacent to a public road) shall be seven feet;
 - b. The minimum lot width for a two story structure shall be sixty feet with a front and rear yard setback of thirty feet and a side yard setback (not adjacent to a public road) shall be nine feet;
 - c. The minimum lot width for a three story structure shall be sixty feet with a front and rear yard setback of thirty feet and a side yard setback (not adjacent to a public road) shall be eleven feet.
5. All lots within this district shall be platted.
6. All such lots shall provide two side yards.

Section 5-505 – Dwelling Units.

The following minimum area requirements for dwelling units in this zoning classification shall be as follows:

1. Single family detached dwelling shall contain at least seven hundred square feet of floor area, five hundred square feet of which shall be on the first floor.

Section 5-506 - Additional Requirements.

1. Platting Required: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "B-3" general business district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned Residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six (6) feet in height and such uses shall not be located less than one hundred (100) feet from any "R" district.

Section 5-507 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the "B-3" general business district will be heard by the joint planning commission, after notification of the adjoining property

owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-508 - Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-509 - Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-510 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-511 - Enforcement.

The enforcement of the "B-3" general business district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-512 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

Urban/Rural Residential R-7

Section 5-601 – Permitted Uses.

Within the "R-7" urban/rural residential use district, no structure shall be used except for one or more of the following uses:

1. One family detached dwellings;
2. Public parks and playgrounds;
3. Child care facilities, Class I;
4. Modular home subject to Title 1 Article 7;
5. Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site, provided no building shall be located within thirty feet of any lot line of an abutting lot in an "R" district;
6. Public and parochial schools provided no building shall be located within thirty feet of any lot line of an abutting lot in an "R" district. A fence shall be erected along the boundary line which is common with private property;
7. Manufactured homes subject to Title 1 Article 7;
8. Mobile homes subject to the following restrictions and requirements:
 - (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.

Section 5-602 – Conditional Uses.

Within any "R-7" urban/rural residential use district no structure or land shall be used for the following uses except by conditional use permit:

1. Municipal buildings and utility structures subject to the following:
 - a. Water pump houses and sanitary sewage lift stations which if not located below grade on a landscaped site shall be in a building which conforms to yard requirements and architectural style of the neighborhood,
 - b. Gas regulator stations, electric power regulator stations, and telephone regulator stations, which if not located below grade on a landscaped site shall be in a building which conforms to yard requirements and architectural style of the neighborhood. Should the structure require fencing, the fence shall be located in conformance to all yard requirements,
 - c. Water towers shall be so located as to conform to all yard requirements,
 - d. Electric power transmission line towers shall be so located as to share the right-of-way or be directly abutting rights-of-way for railroads or major thoroughfares,
 - e. Park buildings, provided no building is less than fifty feet from a lot line of an abutting lot line in an "R" district,
 - f. Public transportation shelters which are open may be erected to within one foot of the public right-of-way;
2. Golf courses, country clubs, tennis clubs, swimming pools serving more than one family provided:
 - a. No principal buildings are within fifty feet of a lot line in an "R" district,

- b. "Golf course" means one averaging one hundred fifty yards per hole of more with not less than five holes,
 - c. "Country club" shall have at least a nine-hole golf course,
 - d. All golf courses shall provide a link fence along the boundaries common to private land,
 - e. Tennis clubs shall not provide lighted courts after eleven p.m., and
 - f. Swimming pools shall not be nearer than twenty-five feet to a lot line in an "R" district;
- 3. Greenhouses and vegetable stands selling products grown on the premises;
 - 4. Operation of through trains, but not switching, storage or other railroad operations;
 - 5. Repair and trade shops: auto repair, cabinet and carpentry, fix-it, locksmith, printing, upholstery; subject to the following requirements:
 - a. There shall be no exterior visible evidence of the conditional use other than one sign not exceeding six square feet. Any outdoor storage must be screened using plantings or fencing.
 - b. The use shall not create any emission of odor, gas, smoke, dust or noise that will negatively affect the character of the district.
 - c. Off-street parking must be provided for all customers.
 - d. Employees of a conditional use business shall be limited to the owner/owners and their immediate family.
 - e. Property shall not be leased for such uses;
 - 6. Grocery store;
 - 7. Mobile Home Park.

The uses specifically listed in this chapter are not considered to be the only conceivable uses in this district. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to conduct a use which is not specifically listed, such applicant shall carry the burden of proof to the board of adjustment that this request is the type of use allowed in this district and in no way violated the intent of this chapter.

Section 5-603 – Permitted Accessory Uses.

Within the "R-7" urban/rural residential use district the following uses shall be permitted accessory uses:

- 1. Private garages, parking space, carport for passenger cars and for one straight truck not to exceed twenty-five thousand GVW and truck tractors, when owned by the occupant of the dwelling;
- 2. Accessory buildings other than private garages not to exceed two hundred square feet;
- 3. Private swimming pool and tennis court provided such pool is adequately fenced and located not less than ten feet from the lot line;

4. Home occupation (requires certificate of occupancy);
5. Signs, as regulated in the city zoning ordinance;
6. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time normally necessary for such construction;
7. Gardening and other horticultural uses;
8. Decorative landscape features;
9. Keeping of not more than two boarders or roomers by resident family;
10. Garage sales, provided that no sale shall continue for more than two days and frequency shall not be greater than twice a year. A "garage sale," for purposes of this title, means the display of used goods and/or salesmen's samples and sale of the goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

Section 5-604 – Minimum/Maximum Requirements.

Requirements shall be as follows:

1. The minimum lot area shall be five acres unless the homeowner can illustrate that a certified wastewater treatment system will operate properly on a smaller lot. In no case will lots smaller than two acres be permitted;
2. No structure or building shall exceed three stories or thirty-five feet whichever is the lesser in height except as provided herein;
3. A side yard abutting a street shall not be less than twenty feet in width;
4. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section in these ordinances:
 - (a) The minimum lot width for a one story structure shall be fifty feet with a front and rear yard setback of twenty-five feet and a side yard setback (not adjacent to a public road) shall be seven feet*;
 - (b) The minimum lot width for a two story structure shall be fifty feet with a front and rear yard setback of twenty-five feet and a side yard setback (not adjacent to a public road) shall be nine feet*;
 - (c) The minimum lot width for a three story structure shall be fifty feet with a front and rear yard setback of twenty-five feet and a side yard setback (not adjacent to a public road) shall be eleven feet*;

* Side yard for mobile homes shall be a minimum of ten feet.
5. Single family detached dwellings shall contain at least seven hundred square feet of floor area, five hundred of which shall be on the first floor;
6. Mobile homes shall contain at least four hundred and thirty square feet in floor area, additions such as entry ways or porches shall not be considered as floor area;
7. All lots within this district shall be platted.

Section 5-605 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

Limited Business (B-1)

Section 5-701 - Permitted Principal Uses.

Within any "B-1" limited business district located in the joint jurisdictional zoning area no structure or land shall be used except for one or more of the following uses:

1. Offices of persons in the professions;
2. Offices of a general nature provided that not more than thirty percent of the floor space shall be devoted to storage or repair, fabricating or assembling of goods;
3. Offices of governmental units;
4. Medical and dental clinics;
5. Funeral homes and mortuaries provided the principal building is not less than fifty feet from the lot line of a lot in the "R" district;
6. Schools and colleges where all of the regular classes held on the site are within a building;
7. Motels and motor hotels provided the site shall contain not less than four hundred square feet per rental unit;
8. Restaurants, cafes, lounges;
9. Multiple family buildings subject to the lot area per family provisions herein;
10. Child care facilities, Class I and II.

Section 5-702 - Conditional Uses.

Within any "B-1" limited business district within the joint jurisdictional area no structure or land shall be used for the following uses except by conditional use permit:

1. Hospitals for human care, nursing facility, assisted living centers, rest homes or retirement homes, provided the site shall contain not less than four hundred square feet of lot area for each person to be accommodated and that no building be located less than fifty feet from the side lot line;
2. Art studio, interior decorating studio, photographic studio, music studio and dance studio, provided no retail sales are made nor any manufacturing conducted on the site;
3. Radio and television studios;
4. Radio and television towers;
5. Private clubs and lodges not operated for a profit;
6. Historical buildings, museums, art institutes, fair grounds, armories, galleries and theater for the live arts;
7. Accessory structures other than private garages;
8. Utility service buildings, which shall be in conformance with the yard requirements and architectural style of the neighborhood;

9. Operation of through trains, but not switching, storage or other railroad activities;
10. Retail sales and services may be provided by vending devices or by personnel when such retail area is within a building so constructed and maintained that all access is from a lobby, hall or court and not directly from the out-of-doors, it being the intent that such sales and services are provided for the convenience of the occupants of the building.

Section 5-703 - Permitted Accessory Uses.

Within any "B-1" limited business district within the joint jurisdictional area, the following uses shall be permitted accessory uses:

1. Private garages, off-street parking and loading spaces as regulated in this title;
2. Signs as regulated by the city zoning ordinance;
3. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time normally necessary for completion of the construction;
4. Decorative landscape feature such as fountains, patios, etc;
5. Any incidental repair or processing necessary to conduct a permitted principal use or conditional use;
6. Swimming pools;
7. Research and development laboratories.

Section 5-704 - Minimum/Maximum Height,

Yard and Density Requirements:

1. Floor Area Ratio: The floor area ratio within the "B-1" limited business district shall not exceed 2.0.
2. Minimum Lot Size: The minimum lot size shall be five acres unless the structure is connected to municipal water and wastewater treatment system. In no case will lots smaller than two acres be permitted.
3. Height of Structure: No limit on height of structure except as controlled by floor area ratio.
4. Rear Yard: Rear yard setback shall be the same as required for the yard on the lot directly across the rear lot line except when abutting a public alley the distance from the center of the alley to the first floor foundation shall be twenty feet or more.
5. Front Yard: Required front yard setback shall be at least twenty (20) feet, except whenever a platted block has buildings located on fifty percent or more of the parcels as of the effective date of the ordinance codified in this section whose front yard abuts the same public right-of-way, the front yard setback shall not be reduced below the least existing front yard setback or twenty (20) feet, whichever is less.
6. Minimum Frontage: Every lot shall have a minimum frontage on a public right-of-way of one hundred feet.
7. Side yard setback shall be at least ten (10) feet or equal to one half the height of the building, but need not exceed twenty (20) feet.

Section 5-705 - Determination of Uses and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses B-1 land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof to the Zoning Board of Adjustment that this request is the type of use allowed in the B-1 district, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-706 - Additional Requirements.

1. Platting Required: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "B-1" limited business district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned Residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six feet in height and such uses shall not be located less than one hundred feet from any "R" district.
3. Setback Adjacent to "R" District: There shall be a one-hundred-foot wide setback between any "B-1" limited business district use (including permitted, conditional, accessory uses or structures or onsite parking) and the lot line of any adjacent "R" district lot.

Section 5-707 – Variances and conditional Uses.

Requests for variances or conditional use permits in the B-1 limited business district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-708 -Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-709 -Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-710 - Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate township board for approval of the location and construction requirements. On county roads there shall be no more than one access approach on a public road or highway per one-quarter mile on each side of the road.

Section 5-711 - Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the SD Department of Environment and Natural Resources.

Section 5-712 - Enforcement.

The enforcement of the "B-1" limited business district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-712 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

General Business District (B-3)

Section 5-801 – Intent Statement.

The intent of the general business (B-3) district in the joint jurisdiction area is to provide for a wide variety of retail services. The "B-3" district will include commercial uses requiring large land areas, extensive retail operations, and outdoor display of merchandise. Inventory and material storage shall be screened.

Section 5-802 – Permitted Accessory Uses.

Within the "B-3" general business district located in the joint jurisdictional area no structure or land shall be used except for one or more of the following uses set forth herein:

1. Antiques;
2. Appliance sales and service;
3. Armory, exhibit hall;
4. Art and school supplies;
5. Auto accessory and parts when conducted entirely within an enclosed building;
6. Auto and truck sales and repair;
7. Auto body and fender repair;
8. Auto wash stations provided each stall for a do-it-yourself type has two parking spaces and if this type is attendant operated parking space equal to fifteen minutes capacity of the facility;
9. Bakery goods;
10. Barber shops and beauty parlors;
11. Banks;
12. Beauty and barber schools;
13. Billboards per the provision of the city zoning ordinance;
14. Boats and marine sales;
15. Books and office supplies;
16. Bottling plant;
17. Bowling alleys;
18. Broadcasting studio;
19. Business school;
20. Bus and transportation center;
21. Cabinet and carpentry shop, electrical service, heating, plumbing, upholstery, air condition shop;

22. Candy, delicatessen, confectionary, ice cream, popcorn, nuts, frozen desserts and soft drinks;
23. Camera and photographic sales and repair;
24. Carpet and rugs;
25. Child care facilities, Class I and II;
26. Clothing store;
27. Clubs;
28. Commercial greenhouses and nursery;
29. Coins and stamps;
30. Costume and formal wear rental;
31. Dental laboratory;
32. Department stores;
33. Diaper or general laundry service subject to the following requirements:
 - (a) The plans for accommodating the sanitary sewer shall be approved by the city engineer,
 - (b) Truck loading facilities shall be provided for at least two trucks;
34. Retail Pharmacy;
35. Dry cleaning and laundry pick-up locations including incidental pressing and repair;
36. Dry cleaning and laundry self-service facility;
37. Employment agency;
38. Florist shop;
39. Floor covering;
40. Furniture, including upholstery, when conducted as a secondary use;
41. Fur products and the processing of furs when directly related to retail sales from the site;
42. Garden and landscape supplies;
43. Gifts or novelties;
44. Glass, china and pottery;
45. Grocery, fruit and vegetables;
46. Hardware;
47. Hobby crafts including handicraft classes;
48. Hotel and inns;
49. Interior decorating studio;

50. Jewelry, time pieces and repairs;
51. Leather goods and luggage;
52. Library, both public and private;
53. Liquor store (off-sale liquor license);
54. Locker plant for frozen foods;
55. Locksmith and fix-it-shop;
56. Lumber and building accessories;
57. Meat market;
58. Motel, motor hotel provided the site shall contain not less than six hundred square feet per rental unit and one thousand square feet for each apartment and the site shall front on a major thoroughfare;
59. Motor fuel station including minor auto repairs;
60. Musical instruments and repairs;
61. Newspaper office including printing;
62. Newsstands;
63. Offices, business and professional;
64. Offices, governmental;
65. Optical and jewelry manufacturing;
66. Orthopedic and medical supplies, sales, repair and manufacture;
67. Paint, wallpaper and related materials;
68. Pawn shop and used material;
69. Pet shop, provided the operation shall not include the boarding of pets for a fee, the maintaining of pens outside of the building or the operating so as to cause an offensive odor or noise;
70. Pet shop or kennels (the keeping of three or more dogs, over four months of age on the premises shall constitute a kennel);
71. Photographic studio;
72. Picture framing;
73. Pipe and tobacco shop;
74. Post office or telegraph substation;
75. Printing shops;
76. Pool halls;
77. Public auction house;
78. Physical culture and health club;

79. Records, television, radio, hi-fi and recording equipment;
80. Rental service;
81. Rental storage units provided all material is stored within a building;
82. Restaurant, café, tea room, tavern, bar (may have on-sale liquor license);
83. Roller rinks, public dance halls, ice arenas;
84. Savings and loan offices;
85. Sewing machine, related equipment and sewing classes;
86. Shoes and shoe repair;
87. Sporting goods;
88. Stationery supplies;
89. Stone and monument sales;
90. Tailor shop;
91. Taxi terminal;
92. Taxidermist;
93. Television studio;
94. Theater, not of drive-in variety;
95. Tire and battery sales;
96. Tire recap service;
97. Toys;
98. Trade School;
99. Transportation center;
100. Travel bureau;
101. Variety store;
102. Veterinary animal hospital;
103. Wholesale office and warehouse.

Section 5-803 – Conditional Uses.

Within any "B-3" general business district in the joint jurisdiction area, no structure or land shall be used for the following uses except by conditional use permit:

1. Limited manufacture fabrication or processing of clean products;
2. Off-street parking lots subject to Huron Zoning Ordinance Parking Requirements;
3. Parking ramps;
4. Public utility structures;
5. Open sales lots provided:

- a. The lot is surfaced and graded according to a plan submitted by the applicant and approved by the city engineer,
 - b. That all lots on which vehicles are to be parked abutting the required front yard shall conform to the front yard requirements with a curb separating the parking area from the front yard,
 - c. That the assembly, repair or manufacture of goods shall not occur within an open sales lot,
 - d. That all lots abutting a lot line of an "R" district shall have a six-foot tall not more than fifty percent open fence erected along the line except abutting required front yards,
 - e. That should the operation of the open sales lot be self-operated or automated in total or in part, a site plan shall be submitted indicating the location of such devices.
 - f. Open sales lots shall not exceed two square feet of surface to one square foot of floor space within a building devoted to the same use as the open sale space;
6. Drive-in businesses subject to the following requirements:
- a. A fence of acceptable design not over six feet in height or less than four feet which is at least fifty percent closed shall be constructed along the property line or a planting strip not less than fifteen feet in width reserved and planted along the property line according to a planting plan approved by the building inspector when the use is abutting property in one of the "R" districts; such fence or planting shall be adequately maintained. A fence or planting shall not be required within the required front yard,
 - b. The entire area shall have a drainage system approved by the city engineer,
 - c. The entire area other than that occupied by the structure or planting shall be surfaced with a material which will control dust and drainage to the approval of the city engineer,
 - d. A box curb at least six inches above grade shall separate the public walk from the lot except at approved entrances or exits.
7. Operation of through trains, spur tracks, sidings, depots, storage tracks, switching yard or other railroad activities; and
8. Veterinary animal hospital.

Section 5-804 –Permitted Accessory Uses.

Within the "B-3" general business district in the joint jurisdiction area the following uses shall be permitted accessory uses:

- 1. Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time normally necessary for such construction;
- 2. Signs as regulated in City of Huron Zoning Ordinance;

3. Decorative landscape features; and
4. Off-street loading.

Section 5-805 – Determination of Use and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses B-3 land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof to the zoning board of adjustment that this request is the type of use allowed in the B-3 district, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-806 – Minimum/Maximum Height, Yard and Density Requirements.

1. Floor Area Ratio: The floor area ratio within the "B-3" general business district shall not exceed 2.0.
2. Minimum Lot Size: The minimum lot size shall be five acres unless the structure is connected to municipal water and wastewater treatment systems. In no case will lots smaller than two acres be permitted.
3. Height of Structure: No limit on height of structure except as controlled by floor area ratio.
4. Rear Yard: Rear yard shall be the same as required for the yard on the lot directly across the rear lot line except when abutting a public alley the distance from the center of the alley to the first floor foundation shall be twenty feet or more.
5. Front Yard: Required front yard shall be at least twenty (20) feet, except whenever a platted block has buildings located on fifty percent or more of the parcels as of the effective date of the ordinance codified in this section whose front yard abuts the same public right-of-way, the front yard setback shall not be reduced below the least existing front yard setback or twenty (20) feet, whichever is less.
6. Minimum Frontage: Every lot shall have a minimum frontage on a public right-of-way of one hundred feet.
7. Side yard setback shall be at least ten (10) feet or equal to one half the height of the building, but need not exceed twenty (20) feet.

Section 5-807 - Additional Requirements.

1. Platting Required: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "B-3" general business district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned Residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six (6) feet in height and such uses shall not be located less than one hundred (100) feet from any "R" district.

Section 5-808 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the "B-3" general business district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-809 - Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-810 - Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-811 -Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter ($\frac{1}{4}$) mile on each side of the road.

Section 5-812 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-813 - Enforcement.

The enforcement of the "B-3" general business district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-814 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

Limited Highway Commercial District B-4

Section 5-901 – Uses Generally.

Within the "B-4" limited highway commercial district, no structure or land shall be used except for one or more of the following uses:

Section 5-902 – Permitted Principal Uses.

Within any "B-4" limited highway commercial district no structure or land shall be used except for one or more of the following uses:

- (1) Antiques;
- (2) Appliance sales and service;
- (3) Art and school supplies;
- (4) Auto accessory and parts when conducted entirely within an enclosed building;
- (5) Auto wash stations;
- (6) Bakery goods;
- (7) Barber shops and beauty parlors;
- (8) Banks;
- (9) Beauty and barber schools;
- (10) Books and office supplies;
- (11) Bowling alleys;
- (12) Broadcasting studio;
- (13) Business school;
- (14) Bus and transportation center;
- (15) Candy, ice cream, popcorn, nuts, frozen desserts and soft drinks, but not where a drive-in service is provided;
- (16) Camera and photographic sales and repair;
- (17) Carpets and rugs;
- (18) Clothing store;
- (19) Coins and stamps;
- (20) Confectionery store;
- (21) Costume and formal wear rental;
- (22) Delicatessen;
- (23) Department stores;
- (24) Dry cleaning and laundry pick-up locations including incidental pressing and repair;

- (25) Dry cleaning and laundry self-service facility;
- (26) Employment agency;
- (27) Florist shop;
- (28) Floor covering;
- (29) Frozen foods, not including a locker plant;
- (30) Funeral homes and mortuaries provided the principal building is not less than fifty feet from the lot line of a lot in the "R" district;
- (31) Furniture, including upholstery, when conducted as a secondary use;
- (32) Fur products and the manufacturing or repair of furs when directly related to retail sales from the site;
- (33) Gifts or novelties;
- (34) Glass, china and pottery;
- (35) Grocery, fruit and vegetables;
- (36) Hardware;
- (37) Hobby crafts including handicraft classes;
- (38) Hotel and inns;
- (39) Interior decorating studio;
- (40) Jewelry, timepieces and repairs;
- (41) Leather goods and luggage;
- (42) Library, both public and private;
- (43) Liquor store (off-sale);
- (44) Meat market, but not including processing for a locker plant;
- (45) Medical and dental clinics;
- (46) Motels and motor hotels provided the site shall contain not less than four hundred square feet per rental unit;
- (47) Musical instruments and repairs;
- (48) Newsstands;
- (49) Offices, business and professional;
- (50) Offices of a general nature provided that not more than thirty percent of the floor space shall be devoted to storage or repair, fabricating or assembling of goods. Goods sold at retail shall not be supplied from stock kept on the premises;
- (51) Offices, governmental;
- (52) Paint, wallpaper and related materials;

- (53) Pet shop, provided the operation shall not include the boarding of pets for a fee, the maintaining of pens outside of the building or the operating so as to cause an offensive odor or noise;
- (54) Pharmacy;
- (55) Photographic studio;
- (56) Pipe and tobacco shop;
- (57) Pool halls;
- (58) Post office or telegraph substation;
- (59) Printing shops;
- (60) Records, television, radio, hi-fi and recording equipment;
- (61) Restaurant, café, lounges, tearoom, tavern, bar, none of which shall be the drive-in type;
- (62) Savings and loan offices;
- (63) Schools and colleges where all of the regular classes held on the site are within a building;
- (64) Sewing machine, related equipment and sewing classes;
- (65) Shoes and shoe repair;
- (66) Sporting goods;
- (67) Sports and/or recreation clubs;
- (68) Stationery supplies;
- (69) Tailor shop;
- (70) Television studio;
- (71) Theater, not of drive-in variety;
- (72) Toys;
- (73) Transportation center;
- (74) Travel bureau;
- (75) Variety store.

Section 5-903 –Conditional Uses.

Within any "B-4" limited highway commercial district no structure or land shall be used for the following uses except by conditional use permit:

- (1) Art studio, interior decorating studio, music studio and dance studio, provided no retail sales are made nor any manufacturing conducted on the site;
- (2) Auditoriums;
- (3) Historical buildings, museums, art institutes, fair grounds, armories, galleries and theater for the live arts;

- (4) Hospitals for human care, nursing facility, assisted living centers, rest homes or retirement homes, provided the site shall contain not less than four hundred square feet of lot area for each person to be accommodated and that no building be located less than fifty feet from the side lot line;
- (5) Off-street parking lots;
- (6) Parking ramps;
- (7) Private clubs and lodges not operated for a profit;
- (8) Public utility structures;
- (9) Radio and television studios;
- (10) Utility service buildings, which shall be in conformance with the yard requirements and architectural style of the neighborhood;
- (11) Vending machines (coin operated) whether they be for service or product shall be permitted inside of a building; when located outside of building they shall be considered as a building and conform to all applicable regulations.

Section 5-904 – Permitted Accessory Uses.

Within any "B-4" limited highway commercial district, the following uses shall be permitted accessory uses:

- (1) Any incidental repair or processing necessary to conduct a permitted principal use or conditional use;
- (2) Buildings temporarily located for purposes of construction on the premises for a period not to exceed time normally necessary for completion of the construction;
- (3) Decorative landscape feature such as fountains, patios, etc.;
- (4) Off-street loading;
- (5) Off-street parking for principal use;
- (6) Private garages, off-street parking and loading spaces as regulated in this title;
- (7) Signs as regulated herein;

Section 5-905 – Minimum Requirements.

Minimum setbacks, lot area and maximum building height requirements shall be as follows:

- (1) Minimum side yard on the street side shall not be less than twenty feet or the height of the structure measured from the property line, whichever is greater;
- (2) Minimum side yard on the interior lot side shall be not less than twenty feet or one-half the height of the structure, whichever is greater;
- (3) Minimum lot depth shall be three hundred feet;
- (4) Minimum lot area shall be sixty thousand square feet when connected to the public sewer system;

- (5) Minimum lot area shall be sixty thousand square feet when connected to a holding tank that provides for no release (in anticipation of connection to the public sewer system within twelve months);
- (6) Minimum lot area shall be five acres when not connected to the public sewer system;
- (7) Minimum front yard shall be seventy-five feet;
- (8) Minimum rear yard shall be twenty feet or one-half the height of structure, whichever is greater;
- (9) Minimum lot frontage (width) shall be two hundred feet;
- (10) Each lot shall be provided a maximum of one access point onto 21st Street SW and West Park Avenue SW per two hundred foot lot of frontage;
- (11) Minimum floor elevation for every structure in the zoning district area shall be set by the city engineer.

Section 5-906 - Stony Run Creek Drainage Way.

No development shall be allowed in the Stony Run Creek Drainage Way.

Section 5-907 – Alleys/Service Roads.

Owners and or developers of land within the areas zoned for commercial or residential uses adjacent to 21st Street SW and/or West Park Avenue SW shall dedicate land for a twenty foot wide alley/service road running east and west parallel to 21st Street SW and north and south parallel to West Park Avenue SW. It is the intent of the city of Huron that a system of public alleys / service roads shall exist within the area along and surrounding the West Huron bypass.

Section 5-908 – Lawful Use of Existing Structures and Property.

Any structure or use of property lawfully existing upon the effective date of the ordinance codified in this title may be continued at the size and in a manner of operation existing upon such date except as specified herein.

Section 5-909 - Additional Requirements.

1. Platting Required: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "B-3" general business district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned Residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six (6) feet in height and such uses shall not be located less than one hundred (100) feet from any "R" district.

Section 5-910 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the "B-3" general business district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form

and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-911 - Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-912 - Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-913 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-914 - Enforcement.

The enforcement of the "B-3" general business district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-915 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

Heavy Highway Commercial District B-5

Section 5-1001 –Uses Generally.

Within the "B-5" heavy highway commercial district, no structure or land shall be used except for one or more of the following uses:

Section 5-1002 –Permitted Principal Uses.

Permitted principal uses shall be businesses providing the following sales and/or service:

- (1) Those uses permitted in Section 5-901 and as regulated therein except as herein amended;
- (2) Armory, exhibit hall;
- (3) Auto and truck sales and repair;
- (4) Auto wash provided each stall for a do-it-yourself type has two parking spaces and if this type is attendant operated parking space equal to fifteen minutes capacity of the facility;
- (5) Auto body and fender repair;
- (6) Boats and marine sales;
- (7) Bottling plant provided the gross floor area does not exceed six thousand square feet;
- (8) Cabinet and carpentry shop, electrical service, heating, plumbing upholstery, air condition shop;
- (9) Commercial greenhouses and nursery;
- (10) Diaper or general laundry service subject to the following requirements;
- (11) The plans for accommodating the sanitary sewer shall be approved by the city engineer;
- (12) Truck loading facilities shall be provided for at least two trucks;
- (13) Dental laboratory;
- (14) Garden and landscape supplies;
- (15) Locker plant for frozen foods;
- (16) Locksmith and fix-it-shop;
- (17) Lumber and building accessories;
- (18) Motel, motor hotel provided the site shall contain not less than six hundred square feet per rental unit and one thousand square feet for each apartment and the site shall front on a major thoroughfare;
- (19) Motor fuel station including minor auto repairs;
- (20) Newspaper office including printing;
- (21) Optical and jewelry manufacturing;

- (22) Orthopedic and medical supplies, sales, repair and manufacture;
- (23) Pawn shop and used material;
- (24) Pet shop or commercial dog kennels (the keeping of three or more dogs, over two months of age on the premises shall constitute a kennel);
- (25) Physical culture and health club;
- (26) Picture framing;
- (27) Printing shop;
- (28) Public auction house;
- (29) Rental service;
- (30) Roller rinks, public dance hall, ice arenas;
- (31) Stone and monument sales;
- (32) Taxidermist;
- (33) Taxi terminal;
- (34) Tire and battery sales;
- (35) Tire recap service;
- (36) Trade school;
- (37) Veterinary animal hospital;
- (38) Wholesale office and warehouse.

Section 5-1003 –Conditional Uses.

Within any "B-5" heavy highway commercial district, no structure or land shall be used for the following uses except by conditional use permit:

- (1) Drive-in businesses subject to the following requirements:
 - A. A fence of acceptable design not over six feet in height or less than four feet which is at least fifty percent closed shall be constructed along the property line or a planting strip not less than fifteen feet in width reserved and planted along the property line according to a planting plan approved by the building inspector when the use is abutting property in one of the "R" districts; such fence or planting shall be adequately maintained. A fence or planting shall not be required within the required front yard;
 - B. The entire area shall have a drainage system approved by the city engineer;
 - C. The entire area other than that occupied by the structure or planting shall be surfaced with a material, which will control dust and drainage to the approval of the city engineer;
 - D. A box curb at least six inches above grade shall separate the public walk from the lot except at approved entrances or exits;
- (2) Limited manufacture fabrication or processing of clean products;

- (3) Off-street parking lots;
- (4) Open sales lots provided:
 - A. The lot is surfaced and graded according to a plan submitted by the applicant and approved by the city engineer;
 - B. That all lots on which vehicles are to be parked abutting the required front yard shall conform to the front yard requirements with a curb separating the parking area from the front yard;
 - C. That the assembly, repair, or manufacture of goods shall not occur within an open sales lot;
 - D. That all lots abutting a lot line of an "R" district shall have a six-foot, at least fifty percent closed fence, erected along the line except abutting required front yards;
 - E. That should the operation of the open sales lot be self-operated or automated in total or in part, a site plan shall be submitted indicating the location of such devices;
- (5) Parking ramps;
- (6) Public utility structures.

Section 5-1004 – Permitted Accessory Uses.

Within the "B-5" heavy highway commercial district the following uses shall be permitted accessory uses:

- (1) Any use permitted in Section 5-904 and as regulated therein except as herein amended;
- (2) Any incidental repair or processing necessary to conduct a permitted principal use provided the area does not exceed fifty percent of the floor area devoted to the principal use;

Section 5-1005 –Minimum Requirements.

Minimum setbacks, lot area and maximum building height requirements shall be as follows:

- (1) Minimum side yard on the street side shall be not less than twenty feet or the height of the structure measured from the property line; whichever is greater;
- (2) Minimum side yard on the interior lot side shall be not less than twenty feet or one-half the height of the structure, whichever is greater;
- (3) Minimum lot depth shall be three hundred feet;
- (4) Minimum lot area shall be ninety thousand square feet when connected to the public sewer system;
- (5) Minimum lot area shall be ninety thousand square feet when connected to a holding tank that provides for no release (in anticipation of connection to the public sewer system);
- (6) Minimum lot area shall be five acres when not connected to the public sewer system;
- (7) Minimum front yard shall be seventy-five feet;

- (8) Minimum rear yard shall be twenty feet or one-half the height of structure, whichever is greater;
- (9) Minimum lot frontage (width) shall be three hundred feet;
- (10) Each lot shall be provided a maximum of one access point onto 21st Street SW and West Park Avenue SW per two hundred foot lot of frontage;
- (11) Minimum floor elevation for every structure in the zoning district area shall be set by the engineer.

Section 5-1006 – Stony Run Creek Drainage Way.

No development shall be allowed in the Stony Run Creek Drainage Way.

Section 5-1007 - Alleys/Service Roads.

Owners and or developers of land within the areas zoned for commercial or residential uses adjacent to 21st Street SW and/or West Park Avenue SW shall dedicate land for a twenty foot wide alley/service road running east and west parallel to 21st Street SW and north and south parallel to West Park Avenue SW. It is the intent of the city of Huron that a system of public alleys/service roads shall exist within the area along and surrounding the West Huron by-pass.

Section 5-1008 - Lawful Use of Existing Structures and Property.

Any structure or use of property lawfully existing upon the effective date of the ordinance codified in this title may be continued at the size and in a manner of operation existing upon such date except as specified herein.

Section 5-1009 - Additional Requirements.

1. Platting Required: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "B-3" general business district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned Residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six (6) feet in height and such uses shall not be located less than one hundred (100) feet from any "R" district.

Section 5-1010 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the "B-3" general business district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Boards of Adjustment for their consideration and action.

Section 5-1011 - Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be

permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-1012 - Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-1013 -Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter (1/4) mile on each side of the road.

Section 5-1014 – Private Sewage Disposal Systems.

All private sewage disposal systems will comply with Department of Environmental Protection Agency regulations, and their updates as promulgated in Chapter 34:04:01 General Authority 46-25-107; Law Implemented 46-25-28 through 46-25-47. All residences and businesses will file a septic system plan with the Beadle County Equalization Office. The city planning and inspections office and Beadle County zoning administrator can provide copies of the state regulations that explain installation and inspection requirements for septic systems.

All sewage disposal systems are to be installed by a certified contractor. If certified owner installed, it will be up to the discretion of the Beadle County Planning Commission to have the system inspected. Individuals will be required to submit a plot plan of the septic system to the Beadle County Planning Commission, for approval prior to installation. Violations will be reported to the South Dakota Department of Environment and Natural Resources.

Section 5-1015 - Enforcement.

The enforcement of the "B-3" general business district within the joint jurisdictional area in Beadle County shall be the responsibility of the city and county zoning administrators under the authority of the Huron City Commission and the Beadle County Commission.

Section 5-1016 – Right to Farm Covenant.

Prior to receiving a building permit for new residential structure the applicant for the permit must sign and file in the register of deeds office a Right to Farm Covenant contained in this ordinance.

General Industrial District I-2

Section 5-1101 – Intent Statement.

The intent of the general industrial (I-2) district in the joint jurisdiction area is to support both light and heavy manufacturing. This district is intended to provide for a number of light manufacturing, light processing, warehousing and service uses. This district includes the supportive commercial uses for the industrial businesses. This district is intended to provide for heavy industrial uses which may create a degree of nuisance which may not be compatible with residential and light commercial uses. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

Section 5-1102 – Permitted Principal Uses.

Within any "I-2" general industrial district in the joint jurisdiction area, no structure or land shall be used except for the purpose of conducting one or more of the following uses: sale, servicing, manufacture, fabrication or processing of any of the following articles or products:

1. Artificial limbs;
2. Auction houses;
3. Automobile painting, upholstering, tire recapping, repairing, body and fender repair;
4. Apparel;
5. Bakery goods;
6. Batteries;
7. Bedsprings and mattresses;
8. Belting and chain conveyors;
9. Bicycles and toys;
10. Billboards and signs (install according to City Sign Ordinance);
11. Blacksmithing;
12. Boat building, repair and storage;
13. Builder's or contractor's yards;
14. Building materials yard;
15. Bus or truck storage or maintenance shops;
16. Cabinet and carpentry shop, electrical service, heating, plumbing, upholstery, air condition shop;
17. Camera and photographic supplies;
18. Canning or packaging of food stuffs;
19. Canvas and canvas products;

20. Creameries, dairy plants, ice cream plants;
21. Drug, cosmetics, pharmaceuticals and toiletries;
22. Electric motors, generators, transformers and other controls including rebuilding;
23. Engraving and printing;
24. Heat treating and plating of metal products;
25. Ice, cold storage plants, bottling works;
26. Laundries;
27. Lumber yards;
28. Machine shops;
29. Metal polishing and plating;
30. Motor freight terminals;
31. Motor fuel station with minor repair;
32. Offices;
33. Paper products, boxes, bags, envelopes, etc.;
34. Packaging;
35. Railroad shops, yards, depot and related facilities;
36. Rental service;
37. Rental storage units;
38. Restaurant;
39. Rubber, synthetic rubber and plastic products;
40. Sales of:
 - (a) Farm machinery;
 - (b) Automobiles and/or trailers;
 - (c) Farm feed and/or seed;
 - (d) Bulk firewood;
 - (e) Dirt, sand, gravel or rock;
 - (f) Heavy equipment;
41. Stone, marble and granite grinding and cutting;
42. Television, radio, appliances, sheet metal work, ornamental iron, welding and stamping;
43. Tools, hardware and small metal products;
44. Trade school;
45. Warehousing and office wholesaling.

Section 5-1103 - CONDITIONAL USES.

Within any "I-2" general industrial district in the joint jurisdiction area, no structure or land shall be used for the following uses except by conditional use permit:

1. Airports or heliports;
2. Automobile reduction yard;
3. Automobile, tractor, trailer or farm implement sales, assembly or manufacturing;
4. Brick, pottery, tile, terra cotta manufacturing;
5. Emery cloth or sandpaper manufacturing;
6. Enameling, lacquering or japanning;
7. Flammable liquid storage;
8. Flour or grain mill;
9. Grain drying or feed manufacturing from refuse mash or grain;
10. Junkyard;
11. Material processing in relation to mining;
12. Meat packing, including a stockyard;
13. Millworks;
14. Open sales lots;
15. Planing mill, lumber mill and veneer manufacturing;
16. Poultry slaughtering, meat processing, sausage manufacturing and smokehouse;
17. Printing ink manufacturing;
18. Public utility structures;
19. Radio, television and transmission towers;
20. Ready-mix, concrete block plants and black top plants;
21. Research laboratories;
22. Sand blasting or stone cutting;
23. Sewage disposal plant or incinerator;
24. Steam or diesel power plants;
25. Trucking terminal.

Section 5-1104 – Permitted Accessory Uses.

Within any "I-2" general industrial district in the joint jurisdiction area, the following uses shall be permitted accessory uses:

1. Signs as regulated in the Huron Zoning Ordinance;
2. Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use subject to the following:
 - (a) No structure or building shall exceed three stories or thirty-five feet, whichever is the lesser in height except as provided in the Huron Zoning Ordinance;
 - (b) A side yard abutting on a street shall not be less than twenty feet in width.

Section 5-1105 – Determination of Uses and Structures.

The uses and structures specifically listed in this chapter are not considered to be the only conceivable uses of I-2 land. However, these uses listed do represent the types of uses which may be considered. If an applicant desires to construct a building or conduct a use which is not specifically listed, such applicant shall carry the burden of proof through the variance process to the board of adjustment that this request is the type of use allowed in the I-2 district, it is not more compatible with a different zoning district, and it does in no way violate the intent of this chapter.

Section 5-1106 – Minimum/Maximum Requirements.

Requirements shall be as follows:

1. Floor Area Ratio: The floor area ratio, within the "I-2" general industrial district shall not exceed 1.0.
2. Minimum Lot Size: The minimum lot area shall be five acres unless the business owner can illustrate that a certified wastewater treatment system will operate properly on a smaller lot. In no case will lots smaller than two acres be permitted.
3. Front Yard Setback: Front yard setback shall be a minimum of fifteen feet.
4. Side Yard Setback: Side yards abutting streets or roads on a corner lot shall not be less than fifteen feet in width. Side yard width not abutting a street shall be a minimum of twelve feet. See exception in section 5-1104.2.b.
5. Rear Yard Setback: If the building has no openings on the alley side or abutting rear lot line, and off-street loading is provided to the side or front of the building, the building may extend to within twelve feet of the lot line; or if no alley exists, the building may extend to within one-half the height of the building or twelve feet from the lot line, whichever is greater; or if the abutting lot is in the "B" or "I" district, the building may extend to within twelve feet of the lot line. If the building is to have openings, the building may extend to within twenty-five feet of the rear lot line.
6. Side and/or Rear Yard with Railroad Trackage: Where a use has railroad trackage abutting the side or rear of a site, a variance may be requested to the side or rear yard requirements to provide for a railroad loading facility.
7. Minimum Lot Frontage: Every lot shall have a minimum frontage on a public right-of-way of one hundred feet.

Section 5-1106 – Additional Requirements.

1. Platting: All lots within this district shall be platted.
2. Outside Storage Next to "R" District: Within any "I-2" industrial district, any use which requires uncovered outside storage and/or open sales lots and is located adjacent to land or uses which are zoned residential shall be enclosed by a solid wall or opaque fence not less than six feet in height erected along the lot line except along abutting required front yards. Outside storage of materials, other than outside display of goods for sale, shall be enclosed by a solid wall or fence not less than six feet in height and such uses shall not be located less than one hundred (100) feet from any "R" district.
3. Setback Adjacent to "R" District: There shall be a one-hundred-foot wide setback between any "I-2" use (including permitted, conditional, accessory uses or structures or on site parking) and the lot line of any adjacent "R" district lot.

Section 5-1107 – Variances and Conditional Uses.

Requests for variances or conditional use permits in the "I-2" district will be heard by the joint planning commission, after notification of the adjoining property owners by mail and posting of the property. Notice of such hearing shall be in the same form and manner as is required in response to any other zoning variance. Recommendations provided by the joint planning commission will be forwarded to city and county Board of Adjustment for their consideration and action.

Section 5-1108 – Protection of Natural Waterways.

No building or construction shall be permitted within one hundred feet of the high water mark of natural water drainage ways, nor shall any such building or construction be permitted within the flood-prone area of the James River. Flood hazard boundary maps are available at the Beadle County Director of Equalization Office in the Beadle County Courthouse, at the Beadle County Emergency Manager's Office and at the city planning and inspection office.

Section 5-1109 – Minimum Shelterbelt Setback.

Shelterbelts, field belts, and living snow fence consisting of one or more rows when parallel to the right-of-way shall be set back a minimum of one hundred (100) feet from the center of the road. Existing shelter belts are exempt from minimum setback requirements. Any new or replacement shelterbelts should follow the minimum requirements if surrounding area allows it.

Section 5-1110 - Approaches.

Before any road approaches are constructed, the applicant must contact the South Dakota Department of Transportation on state roads, the Beadle County Highway Superintendent on county roads, or appropriate town or township board for approval of the location and construction requirements.

On county roads there shall be no more than one access approach on a public road or highway per one-quarter (1/4) mile on each side of the road.