

fifty (150) feet (excluding streets and alleys) of said proposed location has been received.

## **5.12 TIE DOWN REQUIREMENTS**

All manufactured homes, including permanent manufactured homes and regardless of location, shall be tied down as prescribed by the Defense Civil Preparedness Agency, publication TR-75, issued June, 1972, by the U.S. Department of Defense.

## **CHAPTER 5.12 EXTENDED HOME OCCUPATION.**

There are significant differences between home occupations conducted in residential dwellings on small tracts and agricultural-based extended home occupations. The nature of resources available for use, the benefits and disadvantages created by home occupations, and the problems generated necessitate a distinction between home occupations conducted in residential dwellings on small tracts and agricultural-based extended home occupations.

1. For the purposes of this section, provided all requirements are met, the following shall be considered extended home occupations:
  - a. Welding repair conducted in a safe manner.
  - b. Veterinarian's office.
  - c. Blacksmith.
  - d. Service office.
  - e. Others which, in the opinion of the Board of Adjustment would not conflict with adjoining land uses.
2. Performance Standards
  - a. Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
  - b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign, not to exceed sixteen (16) square feet in area, non-illuminated.
  - c. Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.
  - d. The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.
  - e. There shall be no outdoor storage of materials, vehicles, etc. related to the extended home occupation.
  - f. Extended home occupations should be agriculturally related and be conducted in an accessory building.

- g. No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- h. No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

## **CHAPTER 5.13 FENCES.**

### **Section 5.13.01 Purpose.**

The regulation of fences is intended to protect the public safety and welfare, provide privacy, buffer noise, and allow adequate air, light and vision.

### **Section 5.13.02 Permit required.**

1. Except for the Agricultural District, all fences, walls and hedges shall require a building permit. Customary farm and animal fencing is exempt from this Chapter.

### **Section 5.13.03 Location/Construction Requirements.**

1. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard. Except fences, walls, and hedges which are more than thirty (30) percent solid shall not be located within fifty (50) feet of an intersection, measuring along the property lines and connecting these two points by a straight line. Further, the fence, wall, or hedge shall not be constructed within twenty-five (25) feet of a public right-of-way or private road. Fences, walls and hedges shall be set back twenty (20) feet from high water mark.
2. Fences, with a maximum height of not more than eighty inches (80) inches, may be erected on any part of a lot other than in the required front yard which shall be limited to a height of forty-eight (48) inches.
3. The County does not provide surveying services. The property owner is responsible for locating property lines.
4. Fences may be built no closer than one (1) foot up to the property line, not to include the public right-of-way. Fences constructed within an identified easement face the potential of removal in the event of necessary work to be conducted within the easement. Replacement of the removed fence is the responsibility of the owner of said fence.
5. The "finished side" of the fence shall face neighboring properties or the road.
6. Approved fencing materials include stone, brick, wood, vinyl, and chain link. No barbed wire fences shall be allowed in the Lake Park and Planned Residential Districts.
7. Hedges or other plantings which create a fence effect are subject to the same regulations as fences.

8. Fences can be built on the property line when the fence is shared between property owners.

#### **CHAPTER 5.14 ACCESSORY BUILDINGS.**

1. Only specifically authorized accessory uses allowed; accessory uses must be subordinate to principal use.
2. No accessory use shall be permitted in any district unless such use is specifically authorized by this Ordinance. No accessory use shall be deemed to be authorized by this Ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
3. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.
4. No accessory building may be used for residential dwelling purposes at any time.
5. Agricultural District.

In any Agricultural district, any accessory use customarily incident to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

6. Commercial and Industrial Districts.

In any Commercial or Industrial district, any accessory use customarily incident to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

7. Lake Park and Planned Residential Districts.

Accessory uses shall be permitted for the principal permitted uses and conditional uses of the Lake Park and Planned Residential Districts only in accordance with the provisions of the following table hereby adopted by reference and declared to be part of this Ordinance.

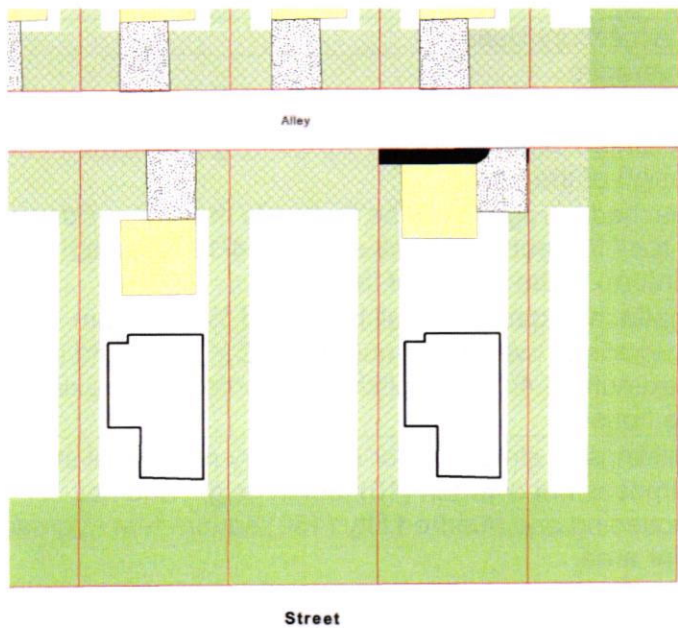
8. In the TD – Town District certain separate accessory building may be erected within the required side or rear yards provided the following conditions are met:
  - a. The accessory structure(s) may not exceed two hundred (200) square feet.
  - b. In no case shall an accessory structure be placed less than five (5) feet from any side or rear lot line shared by another property in the TD – Town District.
  - c. Accessory structures located less than the minimum required side or rear yard (see Section 3.10.03.1.a) shall not be constructed upon a permanent foundation.
  - d. Exception: when garage doors are entered directly from an alley the accessory structure shall not be located closer than twenty (20) feet to the alley line. (See Figure 5.14.8).



Permitted Accessory Uses: LP and PR Districts

Principal Use	Permitted Accessory Uses
Single-family dwellings; duplexes; townhouses and multiple-family dwellings; nursery schools and Day care centers	1. Private garages.
	<ul style="list-style-type: none"> <li>a. Attached and unattached garages shall be limited to maximum dimensions per 3.04.07.3.g and conform to the design of the house.</li> <li>b. Attached garages shall be limited to maximum sidewalls of ten (10) feet; and a maximum of 4/12 roof pitch or to conform to the design of the house.</li> <li>c. Unattached garages shall be limited to maximum sidewalls of twelve and one-half (12 ½) feet; and a maximum of 4/12 roof pitch or to conform to the design of the house.</li> </ul>
	<ul style="list-style-type: none"> <li>a. Buildings or structures for customary residential storage purposes not over ten (10) feet in height and not exceeding one hundred fifty (150) square feet in gross floor area.</li> <li>b. Readily moveable sports, recreation, or outdoor cooking equipment.</li> <li>c. Permanent sports or recreational structures or facilities, such as tennis courts, swimming pools, barbeque pits, and similar improvements provided a site plan for such facility is approved</li> <li>d. Home occupations but only as defined herein.</li> <li>e. Non-commercial greenhouses provided that greenhouses over one hundred (100) square feet in floor area must have an approved site plan.</li> <li>f. Off-street parking and storage of vehicles.</li> </ul>
Principal Use	Permitted Accessory Uses
Churches, Convents and Monasteries	1. All customarily incidental uses reasonably necessary to allow the free exercise of religion, but not to include commercial use.
All conditional uses	1. All customarily incidental uses reasonably necessary to promote the primary purposes of the principal use, provided that such use must be specifically authorized by the Board of Adjustment for the principal use.
All other items	1. No accessory uses permitted.

**Figure 5.14.8**



Symbol		Structure
		House
		Garage
		Driveway
Symbol	Required Yard	Setback*
	Front Yard	25'
	Rear Yard	25'
	Side Yard	15'
	Parallel Accessory Building Setback	5'

## CHAPTER 5.15 SIGNS.

### Section 5.15.01 On-premise and Off-premise Signs

#### 7. Prohibited signs:

- a. No sign shall be erected or maintained which creates a hazard due to collapse, fire, collision, decay, or abandonment; or creates traffic hazards, by either:
  - i. Confusing or distracting motorists; or
  - ii. Impairing the driver's ability to see pedestrians, obstacles or other vehicles, or
  - iii. Impairing the driver's ability to see and interpret any official traffic sign, signal or device; or
  - iv. Creates a nuisance to persons using a public right-of-way; or
  - v. Constitutes a nuisance to occupancy of adjacent and contiguous property by its brightness, size, height, or movement
- b. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is used in the regular course of a business.

#### 8. Signs shall be permitted in zoning districts per Article III, subject to the following provisions:

- a. Wall signs may be located anywhere on the wall of a building.
  - b. Signs shall not project over public property.
  - c. Signs shall not be erected adjacent to a corner of two (2) intersecting streets, unless such signs are constructed to not obstruct the view of said intersection. See Chapter 5.01.
  - d. Each sign – size, lighting, and location - in the County shall at least meet the standards established by the South Dakota Department of Transportation.
  - e. Other than utility fixtures or holiday decorations, no signs, awnings, or display shall be suspended, hanged, or placed so that the same shall hang over any part of a street or sidewalk, used for vehicular or pedestrian travel unless a written application for a permit is made to the Zoning Officer and the said Official grants a permit therefore.
  - f. The Zoning Officer shall take into consideration factors that would make the proposed structure likely to endanger the property or personal safety of passerby traveling the streets or sidewalks in question, and whether or not such structure complies with codes relating to outdoor advertising.
9. On-premise Signs: Each sign erected as an on-premise sign in those zoning districts where permitted shall, unless specified elsewhere in this ordinance, conform to the following requirements:
- a. Unless otherwise specified herein, each sign shall have a maximum surface area of eighty (80) square feet and shall observe all yard and height requirements of the district in which it is located.
  - b. No on-premise sign may be converted to an off-premise sign.
10. Off-premise Signs: Off-premise signs erected in those zoning districts where permitted shall, unless specified elsewhere in this ordinance, conform to the following requirements:
- a. Maximum off-premise sign area:
    - i. Signs primarily visible from Interstate 29: The maximum surface area of any off-premise sign facing any one direction shall be twelve hundred (1,200) square feet.
    - ii. Signs primarily visible from all other roadways: The maximum surface area of any off-premise sign facing any one direction shall be three hundred (300) square feet. Stacked signs (two or more signs stacked vertically on a single sign structure) are prohibited.
  - b. The sign structure or sign shall have a maximum height of thirty (30) feet. Height of sign is the vertical distance from the top of the sign or sign structure, whichever is greater, to the ground in a straight line directly below, measured from a point equidistant from the sides or edges of the sign.
  - c. Off-premise signs shall comply with all applicable state and federal requirements.

- d. Each sign shall not be closer than three hundred (300) feet from any street intersection and five hundred (500) feet from another permitted Off-premise sign on the same side of the street or road.
- e. Each sign shall not be closer than ten (10) feet from any street right-of-way.
- f. Each sign shall not be closer than two hundred fifty (250) feet from adjoining property lines.

## **CHAPTER 5.16 STRUCTURES TO HAVE ACCESS.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to private streets approved by the Board of Adjustment, and all structures shall be so located on lots as to provide safe and convenient access for services, fire protection and required off-street parking.

## **CHAPTER 5.17 YARDS.**

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

### **Section 5.17.01 Yards, Reduction in Size.**

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards and lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### **Section 5.17.02 Additional Yard Requirements.**

The following yard requirements must be observed in addition to the yard requirements of the various districts:

1. A corner lot must have a front yard on both streets
2. On developed property, in the LP-Lake Park District and PR-Planned Residential District, fronting on one side of the street between two streets where one or more residences already exist, no building shall hereafter be erected and no existing building shall be reconstructed or altered in such a way that any portion thereof shall be closer to the street line than the average improved building front on that street in that block, but in no case shall the set-back line be less than twelve (12) feet from the front lot line..
3. In the LP and PR Districts, on through lots and reversed frontage lots, a front yard must be provided on both streets.
4. In the LP and PR Districts, required front yards shall be devoted entirely to landscaped area except for the necessary paving or driveways and sidewalks to reach parking or loading areas in the side or rear yard.



### **Section 5.17.03 Exceptions to Yard Requirements.**

The following exceptions may be made to the yard requirements in the LP and PRL Districts:

1. Air conditioning units, sills, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four (24) inches.
2. In commercial and industrial districts, filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen (15) feet from all lot lines.
3. An accessory building may be located in a rear yard but not occupy more than 30 percent of a rear yard.
4. Any accessory buildings closer than ten (10) feet to a main building shall be considered as part of the main building and shall be provided with the same side and rear yard requirements as the main building.

### **CHAPTER 5.18 PERMANENT FOUNDATIONS REQUIRED FOR DWELLINGS.**

No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation, as defined in these regulations. Exempted from this requirement are manufactured homes as defined herein.

### **CHAPTER 5.19 UTILITY EASEMENTS.**

No building or addition thereto shall be erected over or across any existing public utility or upon any platted easement.

### **CHAPTER 5.20 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.**

In any district, only one (1) structure housing a permitted or permissible principal use may be erected on single lot, provided that yard and other requirements are met.

### **CHAPTER 5.21 CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS (CAFOs).**

#### **Section 5.21.01 Intent**

A supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the State of South Dakota. All new and proposed expansions of Concentrated Animal Feeding Operations shall comply with the regulations as outlined herein. (*Amended: Ord. 69; April 23, 2019*)

#### **Section 5.21.02 Animal Units Equivalent to Animal Species.**

Codington County uses an animal unit equivalency ratio to determine the head count of a specific animal species for the purpose of defining the specific class of a Concentrated Animal Feeding Operation by animal unit. The animal species equivalents are based upon a species' manure production. The standards for determining an animal unit to animal head count equivalency are derived from the Environmental Protection Agency and the State of South

Dakota General Permit. Table 5.21.1 details the classes of Concentrated Animal Feeding Operation and the specific animal unit equivalency ratio. Note that these figures relate to inventory rather than annual production. Other animal species equivalents which are not listed will be based on species' waste production. (Amended: Ord. 69; April 23, 2019)

**Table 5.21.1**  
**Number of Animals to Define Classes of**  
**Concentrated Animal Feeding Operations**  
 (Amended: Ord. 69; April 23, 2019)

Animal Species	Class 1 CAFO (Over 2,000 Animal Units)	Class 2 CAFO (1,000-1,999 Animal Units)	Class 3 CAFO (50 to 499 Units <sup>1</sup> – Zone B & C Shallow Aquifer)	Class 4 CAFO (50 to 999 Units)	Animal Unit Equivalency Ratio
	Animal numbers equal to or more than:	Animal numbers equal to:	Animal numbers equal to:	Animal numbers equal to or less than:	
Cattle other than mature dairy cows or veal calves <sup>2,3</sup>	2,000	1,000 to 1,999	100 to 499	50 to 999	1.0
Mature Dairy Cattle (milked or dry)	1,400	700 to 1,399	70 to 349	35 to 699	1.43
Swine (weighing over 55 lbs.)	5,000	2,500 to 4,999	250 to 1,249	125 to 2,499	0.4
Swine (weighing less than 55 lbs.)	20,000	10,000 to 19,999	1,000 to 4,999	500 to 9,999	0.1
Horses	1,000	500 to 999	50 to 249	25 to 499	2.0
Sheep or lambs	20,000	10,000 to 19,999	1,000 to 4,999	500 to 9,999	0.1
Turkeys	110,000	55,000 to 109,999	5,550 to 27,499	2,775 to 54,999	0.018
Chickens, other than laying hens using other than liquid manure handling system	250,000	125,000 to 249,999	12,500 to 62,499	6,250 to 124,999	.008
Laying hens using other than liquid manure handling system	164,000	82,000 to 163,999	8,200 to 40,999	4,165 to 81,999	.0122
Laying Hens & Broilers using liquid manure handling system	60,000	30,000 to 59,999	3,000 to 14,999	1,500 to 29,999	.0333
Ducks Using liquid manure Handling system	10,000	5,000 to 9,999	500 to 2,999	250 to 4,999	0.2
Ducks using other than liquid manure handling system)	60,000	30,000 to 59,999	3,000 to 14,999	515 to 29,999	.033
Geese	60,000	30,000 to 59,999	3,000 to 14,999	515 to 29,999	.033

1. Only in accordance with Chapter 3.12 Aquifer Protection District.
2. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.
3. Animals are counted individually once they are separated from the mother.



**Section 5.21.03 Classes of Concentrated Animal Feeding Operations** (Amended: Ord. 69; April 23, 2019)

For the purpose of these regulations, Concentrated Animal Feeding Operations are divided into the following classes:

<u>ANIMAL UNITS</u>		
Class 1	2,000 or more	
Class 2	1,000 to 1,999	
Class 3	50 to 499	(Located in Zone A, B, or C of the Aquifer Protection Overlay District)
Class 4	50 to 999	

**Section 5.21.04 Concentrated Animal Feeding Operation Permit Requirements.**

Owners of Class 1, Class 2, Class 3, and Class 4 Concentrated Animal Feeding Operations are required to complete, where applicable, a building permit, permitted and/or conditional use permit application as follows: (Amended: Ord. 69; April 23, 2019)

1. A new Concentrated Animal Feeding Operation is proposed where one does not exist.
2. An expansion is proposed that exceeds the number of animal units allowed by an existing county-issued permit. (Amended: Ord. 69; April 23, 2019)
3. An expansion in the number of animal units of an concentrated animal feeding operation without a county-issued permit, that existed prior to January 1, 2019 which would result in the creation of either a Class 1, 2, 3, or 4 concentrated animal feeding operation. (Amended: Ord. 69; April 23, 2019)
4. In the event there is a change in ownership of a Class 1, 2, 3, or 4 Concentrated Animal Feeding Operation, which has a previously issued county permit, the new owner(s) has thirty (30) days from the date of legal conveyance of ownership in which to apply for a transfer of a previously issued county Concentrated Animal Feeding Operation permit in order to keep said current permit valid. The new owner will be required to abide by the permit requirements, findings of fact and any letter of assurances that were issued under the previously approved permit application(s). If no transfer is completed within thirty (30) days, the new owner will be required to submit a new application for approval. (Amended: Ord. 69; April 23, 2019)
5. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) or more years.
6. An unpermitted Concentrated Animal Feeding Operation that is in violation of either County or State regulations and does not correct the violation as required by the applicable authority. Violations of State regulations shall be inspected by State officials. (Amended: Ord. 69; April 23, 2019)
7. A change in ownership of any Concentrated Animal Feeding Operation with a pollution related violation documented by the County Zoning Officer or State of South Dakota less than ten (10) years prior to the change in ownership. (Amended: Ord. 69; April 23, 2019)

### **Section 5.21.05 Concentrated Animal Feeding Operation Control Requirements.**

#### **1. Compliance with South Dakota Department of Environment and Natural Resources.** (Amended: Ord. 69; April 23, 2019)

- a. All Concentrated Animal Feeding Operations shall be constructed, located, or operated in compliance with the rules and regulations of South Dakota Department of Environment and Natural Resources. (Amended: Ord. 69; April 23, 2019)

#### **2. State General Permit**

- a. Classes 1 and 2 Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation. A County permit may be approved conditioned on receiving a State General Permit. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan and manure management plan. (Amended: Ord. 69; April 23, 2019)
- b. It shall be at the discretion of the Zoning Officer and/or the Board of Adjustment to require an applicant to submit plans for a Class 3 or Class 4 Concentrated Animal Feeding Operations to be reviewed to determine general compliance with standards adopted for a State General Permit. (Amended: Ord. 69; April 23, 2019)

#### **3. Nutrient Management Plan.**

- a. The applicant shall develop, maintain, and follow a nutrient management plan, per the requirements below, to ensure safe disposal of manure and process wastewater and protection of surface and ground water. (Amended: Ord. 69; April 23, 2019)
- b. New Class 1, 2, 3, and 4 (with more than eight hundred (800) animal units) Concentrated Animal Feeding Operations are required to have a nutrient management plan. (Amended: Ord. 69; April 23, 2019)
- c. Nutrient management plan(s) for Class 1 and Class 2 Concentrated Animal Feeding Operations shall be reviewed and approved by the South Dakota Department of Environment & Natural Resources. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan. (Amended: Ord. 69; April 23, 2019)
- d. The nutrient management plan(s) for Class 3 and 4 (with more than eight hundred (800) animal units) Concentrated Animal Feeding Operations nutrient management plans shall be developed by a Certified Crop Advisor and meet the current Natural Resources Conservation Service (NRCS) South Dakota Technical Nutrient Management Standards and all other applicable South Dakota Department of Environment & Natural Resources and Codington County regulations. (Amended: Ord. 69; April 23, 2019)
- e. The applicant must maintain records to show compliance with the approved nutrient management plan. (Amended: Ord. 69; April 23, 2019)
- f. Documentation of land spreading agreements shall be available upon request by the County. (Amended: Ord. 69; April 23, 2019)



#### 4. Manure Management and Operation Plan

- a. New Class 1, 2, 3, and 4 (with more than eight hundred (800) animal units) Concentrated Animal Feeding Operations are required to have a Manure Management and Operation Plan. *(Amended: Ord. 69; April 23, 2019)*
- b. The manure management and operation plan for Class 1 and 2 Concentrated Animal Feeding Operations shall be reviewed and approved by the South Dakota Department of Environment & Natural Resources. The issuance of a State General Permit satisfies the county's requirements for an approved manure management plan. *(Amended: Ord. 69; April 23, 2019)*
- c. Class 3 & 4 (with more than eight hundred (800) animal units) Concentrated Animal Feeding Operations manure management and operation plans shall at a minimum meet the current Natural Resources Conservation Service (NRCS) Standards and all applicable DENR and Codington County Zoning regulations. *(Amended: Ord. 69; April 23, 2019)*
- d. Any field or other site upon which manure is intended to be piled for more than fourteen (14) days shall at a minimum meet the current Natural Resources Conservation Service (NRCS) Standards and all applicable DENR and Codington County Zoning regulations. *(Amended: Ord. 69; April 23, 2019)*
- e. Plan must include:
  - i. The location and specifics of proposed animal manure management facilities. *(Amended: Ord. 69; April 23, 2019)*
  - ii. The operation procedures and maintenance of manure management facilities. *(Amended: Ord. 69; April 23, 2019)*
  - iii. Plans and specifications must be prepared or approved by a registered professional engineer, or a Natural Resource Conservation Service (NRCS) engineer. manure management facilities will require inspection by an engineer. *(Amended: Ord. 69; April 23, 2019)*
  - iv. Animal manure shall not be stored longer than two (2) years. *(Amended: Ord. 69; April 23, 2019)*
  - v. Manure management facilities shall provide for a minimum design volume of three hundred sixty-five (365) days of storage. In addition, open outdoor storage shall include minimum storage for direct precipitation and/or runoff from a 25-year, 24-hour storm. *(Amended: Ord. 69; April 23, 2019)*
  - vi. Manure management facilities utilizing methane digesters may receive on and off-site generated manure and/or organic wastes. *(Amended: Ord. 69; April 23, 2019)*
  - vii. The applicant will provide information regarding how manure from the Concentrated animal feeding operation site will be transported to fields identified in the nutrient management plan. This may require the need for a haul road agreement and/or the applicable agreement for pipes to cross the right-of-way or private property. Unless otherwise agreed to between the Road Authority and the applicant, Codington

County requires, at a minimum, the applicant to abide by minimum requirements of the adopted findings of facts for the applicable size of operation. (*Amended: Ord. 69; April 23, 2019*)

- f. As a condition of the permit, the Zoning Officer and/or the Board of Adjustment may require the applicant to participate in environmental training programs. (*Amended: Ord. 69; April 23, 2019*)

## **5. Management Plan for Fly and Odor Control**

- a. New Class 1, 2, 3, and 4 (with more than eight hundred (800) animal units) Concentrated Animal Feeding Operations shall dispose of dead animals, manure and wastewater in such a manner as to control odors or flies. A management plan is required for submission of a permit. The Zoning Officer and/or Board of Adjustment will review the need for control measures on a site-specific basis. The following procedures to control flies and odors should be considered in a management control plan. (*Amended: Ord. 69; April 23, 2019*)
  - i. Operational plans for manure collection, storage treatment and how said plans will be updated and implemented. (*Amended: Ord. 69; April 23, 2019*)
  - ii. Methods to be utilized to dispose of dead animals shall be included. (*Amended: Ord. 69; April 23, 2019*)
  - iii. Location of existing and proposed tree/shrub plantings. (*Amended: Ord. 69; April 23, 2019*)
- b. The County recommends the following Best Management Practices in the development of a fly and odor control management plan: (*Amended: Ord. 69; April 23, 2019*)
  - i. Provide adequate slope and drainage to remove surface water from pens and keep pen area dry so odor production is minimized.
  - ii. Store solid manure in containment areas having good drainage to minimize odor production.
  - iii. Remove manure from open pens as frequently as possible to minimize odor production.
  - iv. Avoid spreading manure on weekends, holidays and evenings during warm season when neighbors may be involved in outdoor recreation activities.
  - v. Avoid spreading during calm and humid days, since these conditions restrict the dispersion and dilution of odors.
- c. To assist in mitigating odors for operations which do not meet the suggested setbacks, the County may require any or all of the following: (*Amended: Ord. 69; April 23, 2019*)
  - a. Use of covers on open storage systems for liquid manure systems to reduce odor production.



- b. The use of bio-filters or other proven odor mitigation technologies on enclosed concentrated animal feeding operation barns/structures to reduce odor production.  
(Amended: Ord. 69; April 23, 2019)

**6. Suggested setbacks and separation distance for new class 1, 2, 3, and 4 concentrated animal feeding operations and those existing, non-permitted concentrated animal feeding operations expanding into a Class 1 or 2 Concentrated Animal Feeding Operations after January 1, 2019. See Table 5.21.2. (Amended: Ord. 69; April 23, 2019)**

Table 5.21.2  
Suggested Minimum Separation Distances and Setbacks<sup>1, 4</sup>

	Number of Animal Units	Less than 999 Animal Units	1,000 to 1,999 Animal Units	2,000 to 7,499 Animal Units	7,500 to 9,999 Animal Units	Over 10,000 Animal Units
SEPARATION DISTANCES	Established Residences <sup>2,3</sup>	1,320 feet	1,760 feet	2,640 feet	3,960 feet	5,280 feet
	Churches, Businesses and Commercially Zoned Areas <sup>3</sup>	1,320 feet	1,760 feet	2,640 feet	3,960 feet	5,280 feet
	Incorporated Municipality Limits <sup>3</sup>	2,640 feet	5,280 feet	5,280 feet plus 440 feet for each additional 1,000 animal units over 2,000 animal units	7,480 feet plus 440 feet for each additional 1,000 animal units over 7,000 animal units	8,800 feet plus 440 feet for each additional 1,000 animal units over 10,000 animal units
	Federal, State, Township & County Road ROW					
	Confinement	200 feet	300 feet	300 feet	300 feet	300 feet
SETBACKS	Open Lot	150 feet	150 feet	150 feet	150 feet	150 feet
	Established Private Water Well <sup>5,6</sup>	1,320 feet	1,760 feet	2,640 feet	2,640 feet	2,640 feet
	Existing Public Water Well	1,320 feet	1,760 feet	2,640 feet	2,640 feet	2,640 feet
	Lakes and Streams classified as Fisheries as identified by the State	200 feet	500 feet	500 feet	500 feet	500 feet

<sup>1</sup> Two (2) or more CAFOs under common ownership are a single concentrated animal feeding operation if they adjoin each other (within one mile) or if they use a common area or system for disposal of manure. Required setbacks for the two (2) or more CAFOs treated as a single operation shall not be less than the suggested minimum setback required for each operation if said operations were treated as individual operations.

<sup>2</sup> Established residences do not include any residence established after July 1, 1997 less than one-half (1/2) mile from any Concentrated Animal Feeding Operation which was active at the time of the residence's construction.

<sup>3</sup> The Board of Adjustment may allow a setback of less than the minimum required provided a written waiver by the entity deriving the benefit of the setback is filed with the application.

<sup>4</sup> The Board of Adjustment may utilize Section 5.21.05.7 to increase or decrease the required setback.

<sup>5</sup> Established private water wells refer to wells used as a source of potable water for human consumption one (1) year prior to application date for the proposed CAFO.

<sup>6</sup> Setback does not apply to the wells of the CAFO operator.

**7. Exemptions to Separation and/or Setback Distance Requirements, (Amended: Ord. 69; April 23, 2019)**

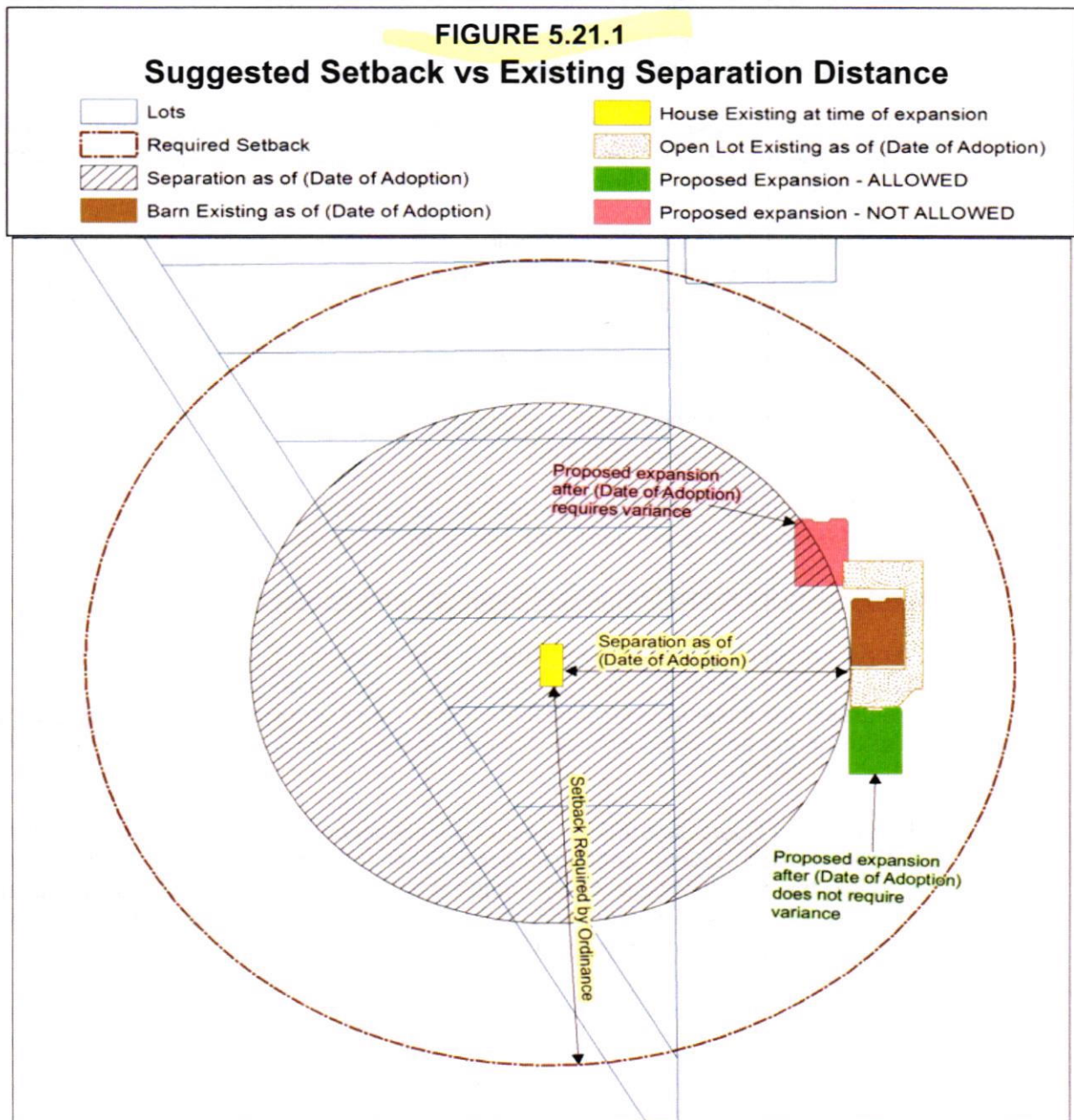
- a. A concentrated animal feeding operation that satisfies any of the criteria below shall be exempt from the applicable separation or setback distance with no variance required by the Board of Adjustment. (Amended: Ord. 69; April 23, 2019)
- b. A Concentrated Animal Feeding Operation which is expanded or constructed less than the suggested setback from a right-of-way (ROW) provided approval of the applicable road authority is submitted to the zoning officer prior to issuance of any applicable building permits or stocking of the Concentrated Animal Feeding Operation if no building permits are required. County Highway Department (County right-of-way), Township Board of Supervisors (Township right-of-way), or State Department of Transportation (state right-of-way) are authorized to provide approval on behalf of the respective road authority. Other entities may provide approval on behalf of the listed entities if documentation of their authority to grant such approval is submitted. (Amended: Ord. 69; April 23, 2019)
- c. All Concentrated Animal Feeding Operations in operation prior to January 1, 2019 which do not comply with the suggested minimum setback/separation requirements, but continue to operate, and are not expanded in a manner which will result in the one of the following examples are exempt from suggested separation distance: (Amended: Ord. 69; April 23, 2019)
  - i. Example 1: A Class 4 CAFO expands to a Class 1 or 2 CAFO. (Amended: Ord. 69; April 23, 2019)
  - ii. Example 2: A Class 2 CAFO expands to a Class 1 CAFO. (Amended: Ord. 69; April 23, 2019)
  - iii. Example 3: A Class 1 CAFO expands by 10% of the number of animal units (Amended: Ord. 69; April 23, 2019)

Provided, that the expansion does not further encroach the setback/separation distance existing on January 1, 2019. See Figure 5.21.1. (Amended: Ord. 69; April 23, 2019)

- d. A Concentrated Animal Feeding Operation which is expanded or constructed, if the title holder of the land benefitting from the distance separation requirement executes a written waiver with the title holder of the land where the Concentrated Animal Feeding Operation is located, under such terms and conditions which the parties may negotiate. The title holder of the land benefitting from the distance separation requirement is the residence, commercial enterprise, individual or individuals, governmental entity, religious institution, or educational institution from which separation is required. The waiver shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land. (Amended: Ord. 69; April 23, 2019)
- e. A Concentrated Animal Feeding Operation which is constructed or expanded closer than the suggested setback/separation distance from the corporate limits of a community that does not have an established Joint City/County Jurisdiction Zoning Ordinance, if the incorporated community approves a written waiver. (Amended: Ord. 69; April 23, 2019)



- f. A Concentrated Animal Feeding Operation which existed prior to the creation of a residence, educational institution, commercial enterprise, religious institution, incorporated community, if the residence, educational institution, commercial enterprise or religious institution was constructed or expanded or the boundaries of the incorporated community were expanded, after the date that the concentrated animal feeding operation was established. The date that the Concentrated Animal feeding Operation was established is the date on which the Concentrated Animal Feeding Operation commenced operating. A change in ownership or expansion shall not change the date of operation. (Amended: Ord. 69; April 23, 2019)
- g. Any Concentrated Animal Feeding Operation in operation as of January 1, 2019 which does not comply with the suggested minimum setback/separation distance requirements is allowed to be replaced in the event of a calamity without obtaining a variance. Provided, that the replacement does not further encroach the setback/separation distance existing at the time of the calamity. See Figure 5.21.1. (Amended: Ord. 69; April 23, 2019)



**8. Additional Setback and Separation Distance Requirements for Class 1, 2, 3, and 4 Concentrated Animal Feeding Operations.** *(Amended: Ord. 69; April 23, 2019)*

Each application for a new or expanded Concentrated Animal Feeding Operation will be reviewed by the Board of Adjustment on a site-specific basis. The Board of Adjustment reserves the right to increase or decrease the minimum suggested setbacks and separation distance on a site-specific review, based on one (1) or more of the following considerations. *(Amended: Ord. 69; April 23, 2019)*

**a. Considerations to Decrease Suggested Setbacks and Separation Distances**

- i. The Board of Adjustment may reduce suggested minimum setback/separation distances of any new or existing Concentrated Animal Feeding Operation proposing to expand based upon any or all of the following considerations: *(Amended: Ord. 69; April 23, 2019)*
  - a) The South Dakota Odor Footprint Tool or other comparable instrument accepted by the Board of Adjustment may be utilized to determine the need to decrease setback and/or separation suggestions. *(Amended: Ord. 69; April 23, 2019)*
  - b) Review of the operation of the Concentrated Animal Feeding Operation as it pertains to the type of manure handling system and manure application methods to be used. *(Amended: Ord. 69; April 23, 2019)*
    - (1) Due to the type of manure handling and management of the CAFO little or no impact on adjacent property is expected. The use of Bio-filters, neoprene lagoon covers, and/or methane digesters are examples of improvements which may result in the reduction of suggested setbacks and separation distances. *(Amended: Ord. 69; April 23, 2019)*
    - (2) Due to topography and/or prevailing wind direction little or no impact on adjacent property is expected.
    - (3) By limiting the proposed expansion to specific number of animal units no adverse impacts are expected. *(Amended: Ord. 69; April 23, 2019)*

**b. Considerations to Increase Suggested Setbacks and Separation Distances**

- i. Existing Concentration - A Concentrated Animal Feeding Operation of two thousand (2,000) or more animal units is proposed to be located in an area where a concentration of three thousand (3,000) animal units currently exists within one (1) mile of the proposed Concentrated Animal Feeding Operation site. *(Amended: Ord. 69; April 23, 2019)*

In the event the Board determines that a concentration of animal units already exists and an increase in animal units may pose air or water quality concerns, the Board may utilize the South Dakota Odor Footprint Tool or other instrument accepted by the Board of Adjustment to determine the need to increase setback and/or separation suggestions. *(Amended: Ord. 69; April 23, 2019)*



ii. Due to topography and prevailing wind direction, and/or concentration of animal units, additional setback and separation distance is appropriate to safeguard air or water quality. The South Dakota Odor Footprint Tool or other instrument accepted by the Board of Adjustment may be utilized to determine the need to increase setback and/or separation suggestions. (Amended: Ord. 69; April 23, 2019)

iii. Siting of a Concentrated Animal Feeding Operation is in excess of 5,000 animal units. (Amended: Ord. 69; April 23, 2019)

In the event the Board determines that the siting of a Concentrated Animal Feeding Operation, where one did not previously exist, with more than five thousand (5,000) animal units may pose air or water quality concerns, the Board may utilize the South Dakota Odor Footprint or other instrument accepted by the Board of Adjustment to determine the need to increase setback and/or separation suggestions. (Amended: Ord. 69; April 23, 2019)

iv. Review of past management practices and proposed improvements to manure handling facilities. (Amended: Ord. 69; April 23, 2019)

## 9. Manure Application Setbacks

a. The Board of Adjustment may require liquid manure to be incorporated or injected in order to minimize air and water quality impacts. (Amended: Ord. 69; April 23, 2019)

b. Requests for application of liquid manure by means of irrigation will be reviewed by the Board of Adjustment on a site-specific basis. Impact on air and water quality will be taken into consideration.

c. Any manure which is piled or stored on a field for fourteen (14) or less days shall be stored in locations which comply with Table 5.21.3. (Amended: Ord. 69; April 23, 2019)

d. Table 5.21.3 provides the following manure application setbacks apply to all classes of Concentrated Animal Feeding Operations. (Amended: Ord. 69; April 23, 2019)

**Table 5.21.3**  
**COUNTY MANURE APPLICATION SETBACKS**

(Amended: Ord. 69; April 23, 2019)

CATEGORY	SURFACE APPLIED	INCORPORATED OR INJECTED
Lakes, Rivers and Streams Classified as Fisheries	300 feet*	100 feet*
Streams and Lakes Classified as Drinking Water Supplies	1,000 feet	300 feet
Public Roads	25 feet (surface) from right-of-way 300 feet (irrigation) from right-of-way	10 feet from right-of-way
Public Wells	1,000 feet	1,000 feet
Established Private Water Well	250 feet	250 feet
A Residence Other Than the Operator	300 feet (surface) 1,000 feet (irrigation)	300 feet
Natural or Manmade Surface Drainage	200 feet*	50 feet

\*Or as prescribed within the South Dakota General Permit for Manure Application on Saturated, Snow Covered, or Frozen Soil

## **10. Standards for Conditional Uses**

- a. The Board of Adjustment may request information relating to a Concentrated Animal Feeding Operation not contained in these regulations. (*Amended: Ord. 69; April 23, 2019*)
- b. The Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare. (*Amended: Ord. 69; April 23, 2019*)
- c. Conditional Uses shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes and other provisions of the permit are being adhered to.
- d. When considering an application, the Board of Adjustment will take into consideration current and past violations documented by the Environmental Protection Agency, the South Dakota Department of Environment and Natural Resources, or similar applicable agency in other states, relating to Concentrated Animal Feeding Operations that the applicant has or had an interest in. (*Amended: Ord. 69; April 23, 2019*)
- e. Conditional Use permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the zoning officer and/or Board of Adjustment and signed by both the applicant and the Board of Adjustment's designee. The permit for the concentrated animal feeding operation is based upon compliance with the regulations herein, and letter of assurances. Any violation of the regulations or non-compliance with the letter of assurances shall be cause for revoking a permit. If a violation of these regulations or non-compliance with the letter of assurance occurs, permit applicants will be notified by registered mail and a hearing before the board of adjustment will be held concerning status of the permit. The Board of Adjustment shall either revoke the permit or set a time line for compliance. If compliance is not met, the permit shall be revoked, and the permit holder ordered to cease operations. (*Amended: Ord. 69; April 23, 2019*)

## **11. Suggested Minimum Application Information.** (*Amended: Ord. 69; April 23, 2019*)

- a. Owner(s)/Applicant(s) name, address and telephone number. (*Amended: Ord. 69; April 23, 2019*)
- b. Legal descriptions of site and site plan.
- c. Number and type of animals.
- d. Preliminary Nutrient management plan, if required. (*Amended: Ord. 69; April 23, 2019*)
- e. Preliminary Manure management and operation plan, if required. (*Amended: Ord. 69; April 23, 2019*)
- f. Preliminary Management plan for fly and odor control. (*Amended: Ord. 69; April 23, 2019*)



- g. Information on ability to meet suggested setbacks and separation distances (*Amended: Ord. 69; April 23, 2019*)
- h. As a condition of approval of any Concentrated Animal Feeding Operation over 1,000 animal units or as determined by the Board of Adjustment, the documentation of an approved General Permit from the South Dakota Department of Environment & Natural Resources for animal species\_is required. The issuance of a State General Permit satisfies the county's requirements for an approved nutrient management plan and manure management plan. (*Amended: Ord. 69; April 23, 2019*)
- i. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
- j. Documentation of notice to whoever maintains the access road (township, county and state) and public water supply officials. (*Amended: Ord. 69; April 23, 2019*)
- k. Any other information as contained in the application and requested by the County Zoning Officer.

## **CHAPTER 5.22 WIND ENERGY SYSTEM (WES) REQUIREMENTS.**

### **Section 5.22.01 Applicability.**

- 1. The requirements of these regulations shall apply to all WES facilities except private facilities with a single tower height of less than seventy-five (75) feet and used primarily for on-site consumption of power.

### **Section 5.22.02 Federal And State Requirements.**

- 1. All WESs shall meet or exceed standards and regulations of the Federal Aviation and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WESs.

### **Section 5.22.03 General Provisions.**

- 1. Mitigation Measures
  - a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the WES.
  - b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.
  - c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
  - d. Livestock Protection. The permittees shall take precautions to protect livestock during all phases of the project life.

- e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.
- f. Roads
  - i. Public Roads. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WES. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites.
  - ii. The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the WES for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and WES components. A haul road agreement in accordance with county standards shall be executed between the applicant and appropriate road authority. (*Amended: Ord. 68; June 7, 2018*)
  - iii. Turbine Access Roads. Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.
  - iv. Private Roads. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
  - v. Control of Dust. The permittees shall utilize all reasonable measures and practices of construction to control dust.
- g. Soil Erosion and Sediment control Plan. The permittees shall develop a Soil Erosion and Sediment Control Plan. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. (*Amended: Ord. 68; June 7, 2018*)

2. Setbacks. Wind turbines shall meet the following minimum spacing requirements.

- i. Distance from participating and non-participating residences, businesses, churches, and schools shall be in accordance with Table 5.22.03.2. *(Amended: Ord. 68; June 7, 2018)*

Table 5.22.03.2  
WES Setbacks

		Setback Distance*	
		Vertical Height of Tower 75' to 500'	Vertical Height of Tower Over 500'
Participating occupied residence, business, church, or school		550'	550' plus 2.5' feet for each additional vertical foot more than 500' in height
Municipal Boundaries at the time of Conditional Use Permit Application		5,280'	5,280'
Non-Participating occupied residence, business, church, or school	Town District	5,280'	5,280'
	All other Districts	1,500'	1,500' plus 2.5' feet for each additional vertical foot more than 500' in height
Distance from the Right-of-Way of Public Road		110% of the height of the wind turbine**	
Distance from Property Line		110% of the height of the wind turbine***	

*(Amended: Ord. 68; June 7, 2018)*

\* Setback distance to be measured from the wall line of the neighboring principal building to the base of the WES tower. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position.

\*\* The horizontal setback shall be measured from the base of the tower to the public right-of-way.

\*\*\* The horizontal setback shall be measured from the base of the tower to the adjoining property line unless wind easement has been obtained from adjoining property owner. *(Amended: Ord. 68; June 7, 2018)*

- ii. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distances identified above if the road authority, participating or non-participating landowners, or municipality (by resolution of the governing body) agree to a lesser setback/separation distance. If approved, such agreement is to be recorded and filed with the Codrington County Zoning Officer. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land. *(Amended: Ord. 68; June 7, 2018)*
3. Electromagnetic Interference. The permittees shall not operate the WES so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the WES or its operation, the permittees shall take the measures necessary to correct the problem.
4. Lighting. Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The preferred manner of lighting is by means of an Aircraft Detection Lighting System (ADLS). Subject to FAA approval, applicants will install an ADLS within one (1) year of approval by FAA for the specified project. In the event FAA does not approve an ADLS system, the applicant will comply with all lighting and markings otherwise required by FAA. *(Amended: Ord. 68; June 7, 2018)*
5. Turbine Spacing. The turbines shall be spaced no closer than three (3) rotor diameters (RD) (measurement of blades tip to tip) within a straight line. If required during final micro siting of the turbines to account for topographic conditions, up to ten (10) percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer. *(Amended: Ord. 68; June 7, 2018)*
6. Footprint Minimization. The permittees shall design and construct the WES so as to minimize the amount of land that is impacted by the WES. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner. *(Amended: Ord. 68; June 7, 2018)*
7. Collector Lines. Collector lines are the conductors of electric energy from the WES to the feeder lines. When located on private property, the permittees shall place electrical lines, known as collectors, and communication cables underground between the WES and the feeder lines. The exception to this requirement is when the total distance of the collectors from the substation requires an overhead installation due to line loss of current from an underground installation. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines. *(Amended: Ord. 68; June 7, 2018)*



8. Feeder Lines. Feeder lines are the conductors of electric energy from the collector lines to the main electric terminal, and may be located either above or below ground. Overhead electric lines, known as feeders, may be placed on private property or on public rights-of-way. Changes in routes in public rights-of-way may be made as long as approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction. (*Amended: Ord. 68; June 7, 2018*)
9. Decommissioning/Restoration/Abandonment
  - a. Decommissioning Plan. Within 120 days of completion of construction, the permittees shall submit to the County a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligation to provide for the resources necessary to fulfill these requirements. The County may at any time request the permittees to file a report with the County describing how the permittees are fulfilling this obligation.
  - b. Site Restoration. The decommissioning of the WES shall begin within eight (8) months of the expiration of this permit, or earlier termination of operation of the WES, and be completed within eighteen (18) months of the expiration of this permit or earlier termination of operation of the WES. The permittees shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four (4) feet. To the extent possible the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County and shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration. (*Amended: Ord. 68; June 7, 2018*)
  - c. Abandoned Turbines. The permittees shall advise the County of any turbines that are abandoned prior to termination of operation of the WES. The County may require the permittees to decommission any abandoned turbine.
  - d. Cost Responsibility. The owner or operator of a WES is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. (*Amended: Ord. 68; June 7, 2018*)
  - e. Financial Assurance. Five (5) years from the date of issuance of a conditional use permit, the Board may require a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance that is acceptable to the Board to cover the anticipated costs of decommissioning the WES facility. (*Amended: Ord. 68; June 7, 2018*)

- f. Failure to Decommission. If the WES facility owner or operator does not complete decommissioning, the Board may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the above referenced financial assurance. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board may take such action as may be necessary to decommission a WES facility. *(Amended: Ord. 68; June 7, 2018)*
- 10. Height from Ground Surface. The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty-five (25) feet.
- 11. Towers.
  - a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-glass.
  - b. All towers shall be tubular design. *(Amended: Ord. 68; June 7, 2018)*
- 12. Noise.
  - a. Noise level generated by wind energy system shall not exceed 50 dBA, average A-weighted Sound pressure level effects at the property line of existing non participating residences, businesses, and buildings owned and/or maintained by a governmental entity. *(Amended: Ord. 68; June 7, 2018)*
  - b. Noise level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National Standards Institute. An L90 measurement shall be used and have a measurement period no less than ten minutes unless otherwise specified by the Board of Adjustment. *(Amended: Ord. 68; June 7, 2018)*
- 13. Flicker Analysis. A Flicker Analysis shall include the duration and location of flicker potential for all schools, churches, businesses and occupied dwellings within a one (1) mile radius of each turbine within a project. The applicant shall provide a site map identifying the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall account for topography but not for obstacles such as accessory structures and trees. Flicker at any receptor shall not exceed thirty (30) hours per year within the analysis area. *(Amended: Ord. 68; June 7, 2018)*
  - a. Exception: The Board of Adjustment may allow for a greater amount of flicker than identified above if the participating or non-participating landowners agree to said amount of flicker. If approved, such agreement is to be recorded and filed with the Codington County Zoning Officer. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land. *(Amended: Ord. 68; June 7, 2018)*
- 14. Permit Expiration. The permit shall become void if either no construction as described in the application has commenced within three (3) years of issuance; or if a State Permit from the South Dakota Public Utility Commission has not been issued within two (2) years of issuance. *(Amended: Ord. 68; June 7, 2018)*

15. Information Required to Obtain a Permit. *(Amended: Ord. 68; June 7, 2018)*

- a. Boundaries of the site proposed for WES and associated facilities on United States Geological Survey Map or other map as appropriate.
- b. Map of easements for WES; and affidavit attesting that necessary easement agreements with landowners have been obtained. *(Amended: Ord. 68; June 7, 2018)*
- c. Map including any occupied residential structures, businesses, churches, and buildings owned and/or maintained by a governmental entity within one (1) mile of the project area. *(Amended: Ord. 68; June 7, 2018)*
- d. Preliminary map of sites for WES, access roads and collector and feeder lines. Final map of sites for WES, access roads and utility lines is required prior to issuance of any building permits associated with the conditional use permit. *(Amended: Ord. 68; June 7, 2018)*
- e. Location of other WES in general area.
- f. Project schedule.
- g. Mitigation measures, if applicable (i.e. haul roads, communication, aviation, environmental, etc.) *(Amended: Ord. 68; June 7, 2018)*
- h. Final haul road agreements to be submitted sixty (60) days prior to construction. *(Amended: Ord. 68; June 7, 2018)*
- i. Proof of right-of-way and private easements or licenses for access to transmission lines and/or utility interconnection shall be submitted sixty (60) days prior to construction. *(Amended: Ord. 68; June 7, 2018)*
- j. Evidence of consultation with state and federal wildlife agencies regarding project-specific environmental concerns (e.g. native habitat, rare species, and migratory routes). *(Amended: Ord. 68; June 7, 2018)*

**CHAPTER 5.23 WILLOW CREEK FLOOD DAMAGE PREVENTION.**

The Codington County Planning Commission and County Commissioners shall require an applicant who requests a use permit or plat in the geographic area identified within the scientific and engineering report entitled "Willow Creek Floodplain Study" to follow the requirements found within the City of Watertown's Willow Creek Flood Damage Prevention Ordinance (Adopted by the City of Watertown on April 2, 2001),

## **CHAPTER 5.24 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES.**

### **Section 5.24.01 Purposes.**

1. The general purpose of this Section is to regulate the placement, construction, and modification of Towers and Telecommunications Facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the County. Specifically, the purposes of this Ordinance are:
  - a. To regulate the location of Towers and Telecommunications Facilities in the County;
  - b. To protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities;
  - c. To minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
  - d. To promote and encourage shared use/collocation of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers;
  - e. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new Tower structures to support antenna and Telecommunications Facilities;
  - f. To avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
  - g. To ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses.

### **Section 5.24.02 Development of Towers.**

1. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred and fifty (150) feet. Towers may be permitted in excess of one hundred and fifty (150) feet in accordance with "Criteria for Site Plan Development Modifications."
2. No new Tower shall be built, constructed, or erected in the County unless the Tower is capable of supporting three other Persons' operating Tele-communications Facilities comparable in weight, size, and surface area to the Telecommunications Facilities installed by the Applicant on the Tower within six (6) months of the completion of the Tower construction. No tower shall charge co-location fees in excess of commercially reasonable industry amounts. Each tower constructed shall upon the request of Codrington County mount law-enforcement or public safety communications apparatus.



3. An application to develop a Tower shall include:

- a. The name, address, and telephone number of the Owner and lessee of the parcel of land upon which the Tower is situated. If the Applicant is not the Owner of the parcel of land upon which the Tower is situated, the written consent of the Owner shall be evidenced in the Application.
- b. The legal description, folio number, and address of the parcel of land upon which the Tower is situated.
- c. The names, addresses, and telephone numbers of all owners of other Towers or usable Antenna Support Structures within a one-half ( $\frac{1}{2}$ ) mile radius of the proposed new Tower site, including County-owned property.
- d. A description of the design plan proposed by the Applicant. Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The Applicant must demonstrate the need for Towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the Applicant's telecommunications services.
- e. An affidavit attesting to the fact that the Applicant made diligent, but unsuccessful, efforts to install or collocate the Applicant's Telecommunications Facilities on Towers or usable Antenna Support Structures owned by other Persons located within a one-half ( $\frac{1}{2}$ ) mile radius of the proposed Tower site. In the event that one reason for the unsuccessful efforts to install or collocate is that fees to be charged are not commercially reasonable, an explanation shall be provided why said charges are commercially reasonable.
- f. Written technical evidence from an Engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or usable Antenna Support Structures owned by other Persons located within one-half ( $\frac{1}{2}$ ) mile radius of the proposed Tower site.
- g. A written statement from an Engineer(s) that the construction and placement of the Tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.
- h. Written, technical evidence from an Engineer(s) that the proposed structure meets the standards set forth in, "Structural Requirements," of this Ordinance.
- i. Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the building official that the proposed site of the Tower or Telecommunications Facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.

- j. The Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the County to condition or deny on the basis of RF impacts the approval of any Telecommunications Facilities (whether mounted on Towers or Antenna Support Structures) which meet FCC standards. In order to provide information to its citizens, the County shall make available upon request copies of ongoing FCC information and RF emission standards for Telecommunications Facilities transmitting from Towers or Antenna Support Structures. Applicants shall be required to submit information on the proposed power density of their proposed Telecommunications Facilities and demonstrate how this meets FCC standards.
- k. No application shall be accepted from landowners or on property on which there are current or past unresolved violations outstanding.
- l. The Board of Adjustment may require an Applicant to supplement any information that the Board considers inadequate or that the Applicant has failed to supply. The Board of Adjustment may deny an Application on the basis that the Applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the Board in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

#### **Section 5.24.03 Setbacks.**

- 1. All Towers up to one-hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.
- 2. Towers in excess of one hundred (100) feet in height shall meet the following.
  - a. Distance from existing off-site residences, business and public buildings shall be one thousand (1,000) feet. Distance from on-site or lessor's residence shall be five hundred (500) feet.
  - b. Distance from public right-of-way shall be the height of the tower.
  - c. Distance from any property line shall be the height of the tower.
- 3. Setback requirements for Towers shall be measured from the base of the Tower to the property line of the parcel of land on which it is located.
- 4. Setback requirements may be modified, as provided herein, when placement of a Tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the Tower.

#### **Section 5.24.04 Structural Requirements.**

- 1. All Towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other standards outlined in this Ordinance. All Towers in operation shall be fixed to land.

#### **Section 5.24.05 Separation of Buffer Requirements.**

For the purpose of this Section, the separation distances between Towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed Tower.

Proposed Towers must meet the following minimum separation requirements from existing Towers or Towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this Ordinance:

1. Monopole Tower structures shall be separated from all other Towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet.
2. Self-supporting lattice or guyed Tower structures shall be separated from all other self-supporting or guyed Towers by a minimum of fifteen hundred (1,500) feet.
3. Self-supporting lattice or guyed Tower structures shall be separated from all monopole Towers by a minimum of seven hundred and fifty (750) feet.
4. The separation requirements contained in 5.24.05 shall not be required of existing Towers or Towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this Ordinance.

#### **Section 5.24.06 Method Of Determining Tower Height.**

2. Measurement of Tower height for the purpose of determining compliance with all requirements of this Section shall include the Tower structure itself, the base pad, and any other Telecommunications Facilities attached thereto which extend more than twenty (20) feet over the top of the Tower structure itself. Tower height shall be measured from grade.

#### **Section 5.24.07 Illumination.**

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a Tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the Tower from the Tower and when required by federal law, dual mode lighting shall be requested from the FAA.

#### **Section 5.24.08 Exterior Finish.**

1. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the appropriate reviewing body.

#### **Section 5.24.09 Modification Of Towers.**

1. A Tower existing prior to the effective date of this Ordinance, which was in compliance with the County's zoning regulations immediately prior to the effective date of this Ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this Section, except for Sections "Separation or Buffer Requirements", "Certification and Inspections", and "Maintenance," provided:

- a. The Tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional Telecommunications Facilities comparable in weight, size, and surface area to the discrete operating Telecommunications Facilities of any Person currently installed on the Tower.
  - b. An Application for a development permit is made to the Board of Adjustment which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this Section allowing the modification or demolition and rebuild of an existing nonconforming Tower shall not be considered a determination that the modified or demolished and rebuilt Tower is conforming.
  - c. The height of the modified or rebuilt Tower and Telecommunications Facilities attached thereto do not exceed the maximum height allowed under this Ordinance.
2. A Except as provided in this Section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than one hundred eighty (180) days. This Ordinance shall not be interpreted to legalize any structure or use existing at the time this Ordinance is adopted which structure or use is in violation of the Code prior to enactment of this Ordinance.

#### **Section 5.24.10 Certifications And Inspections.**

1. All Towers shall be certified by an Engineer to be structurally sound and in conformance with the requirements of this ordinance and all other construction standards set forth by federal and state law. For new monopole Towers, such certification shall be submitted with an Application pursuant to of this Ordinance and every five (5) years thereafter. For existing monopole Towers, certification shall be submitted within sixty (60) days of the effective date of this Ordinance and then every five (5) years thereafter. For new lattice or guyed Towers, such certification shall be submitted with an Application pursuant to of this Ordinance and every two (2) years thereafter. For existing lattice or guyed Towers, certification shall be submitted within sixty (60) days of the effective date of this Ordinance and then every two (2) years thereafter. The Tower owner may be required by the County to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the Tower is jeopardized.
2. The County or its agents shall have authority to enter onto the property upon which a Tower is located, between the inspections and certifications required above, to inspect the Tower for the purpose of determining whether it complies with this ordinance and all other construction standards provided by federal and state law.
3. The County reserves the right to conduct such inspections at any time, upon reasonable notice to the Tower owner. All expenses related to such inspections by the County shall be borne by the Tower owner.

#### **Section 5.24.11 Maintenance.**

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain Towers, Telecommunications Facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
3. All Towers, Telecommunications Facilities, and Antenna Support Structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any Person.
4. All maintenance or construction of Towers, Telecommunications Facilities, or Antenna Support Structures shall be performed by licensed maintenance and construction personnel.
5. All Towers shall maintain compliance with current RF emission standards of the FCC.
6. In the event that the use of a Tower is discontinued by the Tower owner, the Tower owner shall provide written notice to the County of its intent to discontinue use and the date when the use shall be discontinued.

#### **Section 5.24.12 Criteria For Site Plan Development Modifications.**

1. Notwithstanding the Tower requirements provided in this Ordinance, a modification to the requirements may be approved by the Board of Adjustment as a Conditional use in accordance with the following:
  - a. In addition to the requirement for a Tower Application, the Application for modification shall include the following:
    - i. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
    - ii. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
    - iii. A technical study that documents and supports the criteria submitted by the Applicant upon which the request for modification is based. The technical study shall be certified by an Engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
    - iv. For a modification of the setback requirement, the Application shall identify all parcels of land where the proposed Tower could be located, attempts by the Applicant to contract and negotiate an agreement for collocation, and the result of such attempts.
    - v. The Board of Adjustment may require the Application to be reviewed by an independent Engineer under contract to the County to determine whether the antenna study supports the basis for the modification requested. The cost of review by the County's Engineer shall be reimbursed to the County by the Applicant.
  - b. The Board of Adjustment shall consider the Application for modification based on the following criteria:



- i. That the Tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
  - ii. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
  - iii. In addition, the board may include conditions on the site where the Tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed Tower and mitigate any adverse impacts which arise in connection with the approval of the modification.
- 2. In addition to the requirements of subparagraph (A) of this Section, in the following cases, the Applicant must also demonstrate, with written evidence, the following:
  - a. In the case of a requested modification to the setback requirement, that the setback requirement cannot be met on the parcel of land upon which the Tower is proposed to be located and the alternative for the Person is to locate the Tower at another site which is closer in proximity to a residentially zoned land.
  - b. In the case of a request for modification of the separation and buffer requirements from residential use of land of, if the Person provides written technical evidence from an Engineer(s) that the proposed Tower and Telecommunications Facilities must be located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system and if the Person is willing to create approved landscaping and other buffers to screen the Tower from being visible to residentially used property.
  - c. In the case of a request for modification of the height limit for Towers and Telecommunications Facilities or to the minimum height requirements for Antenna Support Structures that the modification is necessary to:
    - i. Facilitate collocation of Telecommunications Facilities in order to avoid construction of a new Tower; or
    - ii. To meet the coverage requirements of the Applicant's wireless communications system, which requirements must be documented with written, technical evidence from an Engineer(s) that demonstrates that the height of the proposed Tower is the minimum height required to function satisfactorily, and no Tower that is taller than such minimum height shall be approved.

#### **Section 5.24.13 Abandonment.**

1. If any Tower shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the Codington County Planning Commission shall notify the Owner, with a copy to the Applicant that the site will be subject to a determination by the Codington County Planning Commission that such site has been abandoned. The Owner shall have thirty (30) days from receipt of said notice to show, by a preponderance of the evidence that the Tower has been in use or under repair during the period. If the Owner fails to show that the Tower has been in use or under repair during the period, the Codington County Planning Commission shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the Owner shall, within seventy-five (75) days, dismantle and remove the Tower.

2. To secure the obligation set forth in this Section, the Applicant [and/or Owner] may be required to post a bond.

#### **CHAPTER 5.25 SOIL EROSION AND SEDIMENTATION CONTROL.**

1. Before issuing a building permit, the Zoning Officer may require a filing of a certificate of intent to adhere to the county soil loss standards developed by the Codington County Conservation District. The Zoning Officer shall consult the Codington County Soil Erosion and Sedimentation Control Ordinance that was developed pursuant to SDCL 38-8A before determining if the proposed activity requires such a certificate of intent.
2. If a complaint is received regarding a violation of the county soil loss standards caused by non-agricultural activity, the Zoning Officer shall undertake those actions outlined herein in order to bring about compliance.

#### **CHAPTER 5.26 MINERAL EXPLORATION AND DEVELOPMENT.**

Separate permits are required for mineral extraction and milling. The applicant for a permit must meet the following minimal conditions as they pertain to the permit for which application is made.

1. The applicant shall provide:
  - a. A description of the mineral or minerals which are the subject of the mining or milling.
  - b. Maps showing the general area within which the mining or milling operation will be conducted.
  - c. A detailed description of the regional environmental conditions, to include surface land use and vegetation as well as a detailed description of the area's geologic formations and hydrology from the best available scientific sources are required for mining or milling permits.
  - d. An environmental assessment which establishes base line conditions for radioactive and toxic material in air, ground and surface water, soil, vegetation and animals is required for mining or milling permits.
  - e. The applicant shall provide maps indicating the location of the affected sites to the nearest section of land, a technical description of the mining or milling process, the types of equipment to be used, and the estimated timetable for each phase of work and for final completion of the program.
  - f. A description of the major environmental impacts upon air quality, water quality and quantity, and land use modification presented by the proposed mining or milling.
  - g. A description of the proposed plan to address the identified environmental impacts to include all measures to be taken to prevent soil erosion, water contamination, air contamination, disruption of the area's ecological balance and any other related hazard to public health and safety.

2. The applicant shall provide for a plan for land reclamation of the land after mining is completed. Measures to be taken for surface reclamation shall take into account the impact on adjacent land uses and natural resources, and the proposed future use of the lands mined and adjacent lands. The reclamation plan shall include:
  - a. A reclamation schedule.
  - b. Methods of plugging drill holes.
  - c. Methods of severing and returning topsoil and subsoil.
  - d. Methods of grading, backfilling and contouring of exploration sites, access roads, and mining sites.
  - e. Methods of waste management and disposal, including liquid and solid wastes.
  - f. Method of revegetation.

The applicant may be required to post a surety performance bond in an amount to be determined by the County Commission to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of affected ground and surface waters. The amount shall be set by the County Commission based on an estimate of the cost of reclamation and decontamination. The bond shall be released five (5) years after mining and milling has ceased unless the Commissioners find, for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed. The amount of the surety bond may be reduced by the Commissioners if a bond is held by the State of South Dakota for the same purpose, by the same amount of the latter bond.

3. The applicant shall identify specific phases when monitoring and inspection of the mining and milling activities shall be conducted by County, State, or Federal personnel or their representatives to assure compliance with all applicable rules and regulations. If the special use permit is granted, the permit shall identify such inspection and it shall be the responsibility of the applicant to notify said agency when monitoring or inspection is required. The applicant shall bear the burden of the cost of the monitoring and inspection program as determined by the Planning and Zoning Commission.
4. A conditional use permit shall be issued only after all conditions specified herein have been met. Evidence of violation of the regulations, including but not limited to air and water contamination, shall be cause for an immediate cessation of mining and milling activities.

#### **CHAPTER 5.27 AGRICULTURAL EASEMENT.**

The following easement is to be utilized as required for farm and non-farm residential development within the Agricultural, Lake Park and Planned Residential Districts. (See 3.04.03.9.a)



Prepared by:

Codington County Zoning Officer (or by Grantor or Grantor's Attorney)  
1910 West Kemp Avenue (or Grantor's or Grantor's Attorney's address)  
Watertown, SD 57201 (or Grantor's or Grantor's Attorney's city)

### AGRICULTURAL EASEMENT

1. Purpose. This easement is required in the Agricultural District.
2. Easement.

("Grantors") are the owners of real property described as follows:

\_\_\_\_\_  
\_\_\_\_\_

In accordance with the conditions set forth in the decision of Codington County, dated \_\_\_\_\_ 20\_\_\_\_, approving a permit for a dwelling on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

- a. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the above described property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operation of machinery, application of irrigation water, and other accepted and customary agricultural activities conducted in accordance with Federal and State laws. These activities ordinarily and necessarily produce noise, dust, smoke, and other conditions that may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes, and Grantors hereby grant an easement to adjacent property owners for such activities.
- b. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the Grantors have executed this easement on \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Signature, Grantor

STATE OF SOUTH DAKOTA

SS:

COUNTY OF CODINGTON

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ (Grantors).

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## **CHAPTER 5.28 RANGE REQUIREMENTS.**

### **Section 5.28.01 Conditional Use Permits.**(Added by Ord. #18, moved by Ord. #30)

No Range shall be established within the Codington County without first obtaining a Conditional Use Permit.

### **Section 5.28.02 General Regulations for All Ranges.**

No Conditional Use Permit shall be approved for any Range unless all of the following conditions are met (unless specifically waived by the Board of Adjustment):

1. A safety plan shall be submitted along with the application. The plan, once approved, shall be posted in a prominent place at the site. Any changes to the safety plan shall be submitted to the County Board of Adjustment for approval. At a minimum the safety plan must state:
  - a. A method of identifying the Range Officer when the Range Officer is present at the site. Additionally, a permanent log identifying the Range Officer who is present when required at the facility must be maintained and available for inspection by the County or local law enforcement officers.
  - b. The authority of Range Officers to carry out the rules and regulations on the site and to enforce penalties.
  - c. The policy for the site for the use of alcohol.
  - d. Controlled substances are prohibited on the site.
  - e. Rules for the safe handling of weapons.
  - f. A building and grounds maintenance plan.
  - g. Administrative Rules to include regulations that normally govern range schedules, parking, guest policies, member/user responsibilities, hours of operation, security, program development, range supervision and other items such as sign-in procedures.
  - h. Regulations on the type of weapon, shooting activity, caliber, shot size or type of target to ensure safety for range users and others.
  - i. The penalties that are in force for violations of the safety plan.

- j. The method used to control trespass or unauthorized access to the range or preserve.
- 2. On an annual basis, applicants must provide proof of insurance.
- 3. Applicants shall continuously keep the City informed as to the current names and telephone numbers of the officers of any organization having an interest in the Range. Any changes to the names or telephone numbers of the officers shall be reported to the County within thirty (30) days of the change.
- 4. All Ranges must control entrance to their sites.
- 5. No alcohol licenses shall be granted to any site which has a Range.
- 6. Parking space for all members, owners or guests must be on-site and is not allowed on public streets or roads.

#### **Section 5.28.03 Special Regulations for Ranges.**

Applications for all Ranges, in addition to any other requirements of this Ordinance, must also show:

- 1. A survey delineating the layout of all individual Ranges.
- 2. Setbacks to all property lines.
- 3. Method of containing projectiles within each individual range (such as earthen berms or other method).
- 4. Methods to be employed to reduce noise, including impulse noise.
  - a. The maximum noise that may escape the range into areas not controlled by the owner is 125 dB.
- 5. All Ranges shall be designed using the NRA Range Source Book as a guideline.

#### **Section 5.28.04 Application Requirements.**

Each application for a Range shall, at a minimum, include the following:

- 1. A description of specific activities to be conducted on-site.
- 2. The hours and days of operation.
- 3. The maximum number of people using the facility at any one time.
- 4. A plan, if applicable, for collecting and recycling used shot.
- 5. A delineation of any special events, if any.
- 6. A sewage, water and solid waste management plan.

#### **Section 5.28.05 Area Regulations.**

1. Minimum Lot Size: Ten (10) acres.
2. Minimum Front Yard: One hundred fifty (150) feet.
3. Minimum Side Yard: Three hundred (300) feet.
4. Back of the Range Setback: A minimum of one thousand (1000) feet from any buildings and/or roads.
5. Setback from Residences: One-quarter (1/4) mile to be measured from the firing line to the nearest residential dwelling.
6. Setback from Commercial Uses: One-quarter (1/4) mile to be measured from the firing line to the nearest commercial structure.
7. Setback from Churches and Schools: One-quarter (1/4) mile to be measured from the firing line to the nearest church or school.
8. Setback from Municipalities: Three (3) miles to be measured from the firing line to the corporate limits of the municipality.

#### **Section 5.28.06 Miscellaneous Regulations.**

1. In the event that any provision of this Ordinance or the Conditional Use Permit is violated, or the County otherwise reasonably believes that the health, safety or general welfare of the public is endangered by the use, or if the County reasonably believes that a public nuisance has been created, then, upon ten (10) days written notice, the County may originate action to either modify or cancel any Conditional Use Permit.

### **CHAPTER 5.29 SINGLE FAMILY DWELLING (FARM OR NON-FARM) CONSTRUCTED LESS THAN ONE-HALF (1/2) MILE FROM AN EXISTING CONCENTRATED ANIMAL FEEDING OPERATION**

#### **Section 5.29.01 Single family dwelling (farm or non-farm) Constructed Less than One-Half (1/2) Mile from an existing Concentrated Animal Feeding Operation as a Conditional Use.**

Applicants for a Single family dwelling (farm or non-farm) proposed to be constructed less than one-half (1/2) mile from an existing concentrated animal feeding operation may obtain a conditional use permit provided one of the following conditions is met:

1. Applicant obtains a written waiver from the owner/operator of any existing concentrated animal feeding operation which is closer than one-half (1/2) mile from the proposed residential building site.



2. Applicant files a document consistent with Section 5.29.02 with the Register of Deeds acknowledging the existence of a concentrated animal feeding operation less than one-half mile from the proposed building site at the time of application for a building permit. Exception: This requirement does not apply to lots of record with existing residential development that are destroyed by an act of God (wind, fire, flood) and subsequently are rebuilt.

#### **Section 5.29.02 Acknowledgement of Existing Concentrated Animal Feeding Operation**

The following acknowledgement is to be utilized as required for a conditional use permit in Section 5.29.01 for farm and non-farm residential development in the Agricultural District which is located within one-half (1/2) mile of an existing concentrated animal feeding operation.

Prepared by:

Codington County Zoning Officer (or by Grantor or Grantor's Attorney)  
1910 West Kemp Avenue (or Grantor's or Grantor's Attorney's address)  
Watertown, SD 57201 (or Grantor's or Grantor's Attorney's city)

#### **ACKNOWLEDGEMENT OF EXISTING CONCENTRATED ANIMAL FEEDING OPERATION**

The following acknowledgement is to be used when a dwelling (Farm or Non-Farm) is proposed to be constructed within one-half (1/2) mile of an existing Concentrated Animal Feeding Operation. The acknowledgement shall be filed with the Register of Deeds. Grantors are the owner(s) of property applying for the proposed residential development. (See 3.04.02.41 and 5.29.01.2)

1. Purpose. This acknowledgement is required for any dwelling to be constructed within one-half (1/2) mile of an existing concentrated animal feeding operation as defined by the Codington County Zoning Ordinance.
2. Waiver:

("Grantors") are the owners of real property described as follows:

In accordance with the conditions set forth in the decision of Codington County, dated \_\_\_\_\_ 20\_\_\_\_, approving a plat with a residential dwelling development right or by the issuance of a permit for a residential dwelling either to be located within one-half (1/2) mile of the existing concentrated animal feeding operation located at the following property, \_\_\_\_\_ and in consideration of such approval, Grantors acknowledge the following:

1. The Grantors, their heirs, successors, and assigns acknowledge that the location of a residential development/dwelling on (legal description) is within one-half (1/2) mile of an existing concentrated animal feeding operation.
2. The grantors hereby acknowledge that the construction of this residence will not result in the existing concentrated animal feeding operation becoming a nonconforming use as defined by the Codington County Zoning Ordinance.

IN WITNESS WHEREOF, \_\_\_\_\_, 20\_\_



Grantors (Print)\_\_\_\_\_

Grantors (Signature)\_\_\_\_\_

STATE OF SOUTH DAKOTA

SS:

COUNTY OF CODINGTON

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_ by  
\_\_\_\_\_ (Grantors).

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## **CHAPTER 5.30 ADULT USE REGULATIONS.**

In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

### **Section 5.30.01 Setbacks.**

1. None of the following uses may be established, operated or maintained within one thousand (1,000) feet of a residence, a church, a school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public park.
  - a. Adult bookstore.
  - b. Adult motion picture theater.
  - c. Adult photo studio.
  - d. Adult Entertainment Facility.
  - e. Any use which has as a part of its operation an adult use component including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
  - f. Any use intended to provide adult amusement or entertainment.
2. Not more than two of the following uses may be established, operated or maintained within one thousand (1,000) feet of each other:
  - a. Adult bookstore.
  - b. Adult motion picture theater.

- c. Adult photo studio.
  - d. Adult entertainment facility.
  - e. Any use which has as a part of its operation an adult use component including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
  - f. Any use intended to provide adult amusement or entertainment.
  - g. A bar.
  - h. A liquor store.
3. The 1,000-foot restriction provided for in 5.30.01.2 above may be waived and a conditional use permit issued upon proper application if the Board of Adjustment finds:
- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of these regulations will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a 'skid row' area.
  - c. That all applicable regulations will be observed.

#### **Section 5.30.02 Required License.**

It shall be unlawful for any person to engage in the business of operating an adult use in Codington County without first having obtained a license from the Codington County Commissioners.

#### **Section 5.30.03 Application; Standards for Issuance.**

1. Application for an adult use license shall be made in writing and shall state the following:
- a. The name, address, telephone number and age of the applicant and the registered agent of the applicant if the applicant is a corporation.
  - b. The location of the adult use business.
  - c. The exact nature of the adult use to be conducted and of the proposed place of business and the facilities related thereto.
  - d. A statement by the applicant that he is familiar with the provisions of this article and is in compliance with them.
  - e. A statement of whether the business will be conducted by a manager and, if so, the name, address, telephone number, and age of each such manager.

- f. A statement that no manager or principal operating the business has been convicted of any offense of prostitution, soliciting for prostitution, or obscenity or public indecency as defined in the South Dakota Compiled Statutes within the last two (2) years, and that the applicant has not had any license for an adult use in any other community revoked within the last two (2) years.
2. Within fifteen (15) days after receipt of an application for an adult use license, the Codington County Commissioners shall investigate the information contained in the application and shall determine the following:
  - a. That the premises designated by the applicant as the location of the business are in full compliance with all applicable ordinances of Codington County, including zoning ordinances.
  - b. That the premises and each manager and employee comply with the provisions of Section 5.30.03.1 as such provisions apply to them.
  - c. That the applicant, each manager and each employee are over twenty-one (21) years of age.
  - d. That no manager or principal operator of the business has been convicted of any offense of prostitution, solicitation for prostitution, or obscenity or public indecency, as defined in the South Dakota Compiled Statutes within the last two (2) years, and that the applicant has not had any license for an adult use revoked within the last two (2) years.
3. If the investigation shows the compliance of the applicant for an adult use license, the premises upon which the business is to be conducted and each manager and employee, if applicable, with each of the requirements established in subsections (1) and (2) of this section, and with the conditions and regulations set forth in Section 5.30.03 within fifteen (15) days after completion of such investigation, the Codington County Commissioners shall issue a license, and upon payment by the applicant of the license fee required under this article, the license shall be issued.
4. If the investigation shows that the applicant for an adult use license, the premises on which the business is to be conducted, or the managers and employees, if applicable, do not comply with each of the requirements established in subsection (1) of this section, and with the conditions and regulations set forth in Section 5.30.03 within fifteen (15) days after completion of such investigation, the Codington County Commissioners shall notify the applicant in writing that the license has been denied. Such denial shall be the final administrative action of the County with respect to the license application, and shall be subject to the immediate appeal by the applicant to the circuit court.

#### **Section 5.30.04 Conditions & Regulations Governing Operation; Violation; Penalty.**

1. The following regulations shall govern and control the business of operating an adult use in Codington County:
  - a. No person under twenty-one (21) years of age shall be allowed on the licensed premises.
  - b. At all times during the hours of operation there shall be present a manager or other employee of the licensee who shall be not less than twenty-one (21) years of age.

- c. Upon a change of any manager conducting business for the licensee, the licensee shall, within ten regular business days, give the County Commissioners written notice of such change by actual delivery or by registered or certified mail. The licensee shall, thereafter, as promptly as practicable, but in any event within five (5) regular business days, provide the information concerning the new manager which is required in Section 5.30.03.
  - d. No adult use shall be located on-premises for which a license to sell alcoholic liquor has been issued, and no alcoholic liquor shall be permitted on such premises.
  - e. No adult use shall be permitted unless the premises on which such business is located complies with the requirements of the zoning ordinance.
  - f. No licensee or manager under the provisions of this article shall knowingly permit any person to remain in or upon licensed premises who commits any act of public indecency or obscenity as defined in the South Dakota Compiled Statutes.
  - g. No licensee or manager under the provisions of this article shall permit any act of prostitution, solicitation for prostitution or patronization of a prostitute on the licensed premises.
  - h. No sign shall be posted on the licensed premises which depicts, displays or refers to specified anatomical areas or specified sexual activities, as defined in this article.
2. In addition to the requirements established in Section 5.30.04.1, the following regulations shall govern and control the operation of an adult bookstore which offers any films or videotapes for viewing on-premises by use of motion picture devices or other such operations means:
- a. All viewing areas, which shall be defined as the area where a patron or customer would ordinarily be positioned while watching a film or viewing device, shall be visible from a continuous main aisle or public room and shall not be obscured by any curtain, door, wall or other enclosure.
  - b. There shall be no aperture whatsoever in any wall or partition between viewing areas.
  - c. Each viewing area shall be lighted at a minimum level of ten (10) foot candles in all parts thereof.
3. In addition to the requirements established in Section (1) of this section, the following regulations shall govern and control the operation of an adult entertainment cabaret:
- a. All performers shall be at least twenty-one (21) years of age.
  - b. All performances, exhibitions or displays shall take place on a platform raised at least two feet from the level of the floor, and located at least ten (10) feet from any patron.
  - c. No performer shall fondle or caress any patron or other performer and no patron shall fondle or caress any performer.
  - d. No patron shall be permitted to pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.



4. It shall be unlawful for any person licensed to engage in the business of operating an adult use within the County to fail to comply with the conditions and regulations set forth in subsections 5.30.03 and 5.30.04 of this section as they are applicable to the licensed business, or to suffer or permit noncompliance with such conditions and regulations on or within the licensed premises. In this regard, any act or omission of an employee shall be deemed the act or omission of the owner if such act or omission occurred either with the authorization, knowledge or approval of the owner or as a result of the owner's negligent failure to supervise the employee's conduct. All conduct occurring while on the premises shall be presumed to be the responsibility of the owner.
5. Any person convicted of a violation of this section shall be subject to a fine pursuant to Section 1.02.03 of this Ordinance.

#### **Section 5.30.05 Suspension or Revocation.**

Nothing in the terms of this article shall preclude the right of the Codington County Commissioners to suspend or revoke the license of the licensee, as follows:

1. The Codington County Commissioners may temporarily suspend any license issued under the terms of this article when he has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, he may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the licensed premises closed for not more than seven (7) days; provided, that the licensee shall be given an opportunity to be heard in a public hearing during the seven (7) day period, and further provided that if such licensee shall also be engaged in the conduct of other business on the licensed premises, such order shall not be applicable to such other businesses.
2. The Codington County Commissioners may suspend or revoke any license issued under the terms of this article upon ten (10) days notice to the licensee of the time and place of a public hearing, and a public hearing at which the licensee may appear and present evidence, if the Codington County Commissioners determines upon such hearing that the licensee has failed or refused to comply with the terms of this article, has failed or refused to comply with other law applicable to the business of operating an adult use, has knowingly permitted the failure of any manager or employee on the premises to comply with the terms of this article or with other law applicable to the business of operating an adult use, has knowingly furnished false or misleading information on any application required for any license under this section or has suffered or caused another to furnish or withhold such information on his behalf, or has been convicted by a court of competent jurisdiction of a violation of any provision of this section.

#### **5.30.06 Exception.**

1. The above language of 5.30 "Adult Use Regulations" adopted April 25, 2006, hereby does not apply to the following legal description: OL 2 SE 1/4 less H-1 E 1/2 SE 1/4 less S 105' W 110' Section 6-116-52 and/or business currently known as "The South Fork Lounge".

**CHAPTER 5.31 PRIVATE WIND ENERGY CONVERSION SYSTEMS (PWECS).** The regulations regarding Private Wind Energy Conversion Systems (hereafter referred to as PWECS) shall be as follows:

1. Limited Use. No PWECS installed in accordance with the requirements of these regulations shall generate power as a commercial enterprise as defined by the Public Utility Commission.
2. Setback Requirements. The minimum distance between the property line, overhead utility lines or another wind turban, and any tower support base of a PWECS shall be equal to the proposed tower height (plus the radius of the rotor for the horizontal access machines).
3. Contiguous property owners and planned developments may construct a PWECS for their use in common. If property held by more than one (1) single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Board of Adjustment for their approval.
4. Tower Access. Climbing access to the PWECS tower shall be limited either by means of a fence six (6) feet high around the tower base with a locking portal, or by limiting tower climbing apparatus so there is access to it no lower than twelve (12) feet from the ground.
5. Electromagnetic Interference. If a PWECS is installed in any location along or within the major access of an existing microwave communications link, the person desiring to install the PWECS shall be required to provide a letter from the business whose link they are within or adjacent to stating that the business whose link is affected would have no objection to the installation of the PWECS.
6. Air Space. A PWECS shall be located or installed in compliance with the guidelines of the Federal Aviation Administration Regulations with regard to Airport Approach Zones and clearance around VOR stations.
7. Interconnect. The PWECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company.

## **CHAPTER 5.32 RELIGIOUS CONFERENCE FACILITY STANDARDS.**

### **Section 5.32.01 Requirements**

1. Religious Conference Facilities shall comply with the following conditions:
  - a. Religious Conference Facility's buildings and activities shall be set back no less than 300) feet from any off-site residential use.
  - b. A Religious Conference Facility shall contain a minimum lot area of twenty-five (25) acres.
  - c. A Religious Conference Facility shall be owned and operated by a 501(c) 3 non-profit organization.
  - d. Religious Conference Facilities shall be designed in a manner which will minimize the impact of traffic, noise and glare on the surrounding uses.

- e. Religious Conference Facilities must have access to a concrete or bituminous-asphalt street. Further all interior streets constructed within the Religious Conference Facility shall be either concrete or asphalt with the design to be approved by the County Highway Superintendent.
  - f. Religious Conference Facilities are not allowed over the shallow aquifer or wellhead protection areas. EXCEPTION: A Religious Conference Facility may be allowed over a shallow aquifer if the proposed Religious Conference Facility utilizes a Board of Adjustment approved central sanitary sewer collection system, which may consist of holding tanks, trunk lines, lift stations, and/or treatment facilities.
  - g. Easements per 3.04.03.9 of this ordinance shall be required to be placed on a Religious Conference Facility in order to protect agricultural operations or practices in the adjoining areas.
  - h. A site plan shall be submitted including the interior layout of the building and exterior design of the premises.
  - i. On-premise signage: The number, size and illumination standards shall be determined by the Board of Adjustment.
  - j. Sleeping and dining facilities shall be registered with the South Dakota Department of Health and provide a smoke detector in each sleeping room.
  - k. The length of stay of any registered guest shall not exceed thirty (30) days during any 120-day consecutive period.
  - l. Campgrounds associated with Religious Conference Facilities shall comply with the following conditions:
    - i. Each campsite shall contain at least two thousand (2,000) square feet.
    - ii. The campground(s) shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, and all of which shall meet all applicable State and County codes and regulations.
    - iii. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.
    - iv. Campsites shall be used by the same persons as temporary/seasonal stays only.
    - v. No manufactured homes shall be located in any campground.
    - vi. Religious Conference Facilities shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to the Zoning Officer upon request.
2. In addition to the following information, plans shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all other relevant laws, ordinances, rules and regulations. The Zoning Officer may waive the submission of plans if the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter. The site plan shall contain the following:
- a. The address of the property and the legal description.
  - b. The name of the project and/or business.
  - c. The scale and north arrow.
  - d. All existing and proposed buildings or additions.

- e. Dimensions of all buildings.
  - f. Distance from all building lines to the property lines at the closest points.
  - g. Building height and number of stories.
  - h. Dimensions of all property lines.
  - i. Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.
  - j. Screening; show height, location and type of material to be used.
  - k. The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
  - l. Name and location of all adjacent streets, alleys, waterways and other public places.
  - m. Proposed grading and drainage pattern.
  - n. Proposed interior circulation pattern indicating the status of street ownership.
  - o. Proposed open space uses;
  - p. Utility (water, sewer, electricity, etc.) plans.
  - q. Relation of the proposed development to the surrounding area and comprehensive plan.
  - r. Phasing plan for development.
3. Approved plans shall not be changed, modified, or altered without authorization from the Board of Adjustment giving final approval, and all work shall be done in accordance with the approved plans.