

Lincoln

**2009 Revised Zoning Ordinance**

**for**

**Lincoln County**

ORDINANCE NO. 0904-05

EFFECTIVE DATE: MAY 20, 2009

*Updated with Amendments as of September 1, 2020*

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**Article 1.00**  
**Title and Purpose**

**1.01 Title.** These regulations may be referred to as the 2009 Revised Zoning Ordinance for Lincoln County.

**1.02 Purpose.** These regulations have been based upon the Lincoln County Comprehensive Development Plan adopted on December 6, 2005 by the Board of County Commissioners, and are in conformance with Chapter 11-2 of the South Dakota Compiled Laws. These regulations are designed to carry out the goals and objectives of the plan, but especially to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration or scattering of population; and to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provision of transportation, water, drainage, sewerage, schools, parks, or other public requirements. These regulations have been made with reasonable consideration to the character and intensity of the various land uses and the need for public facilities and services that would develop from those uses. These regulations are necessary for the best physical development of the county. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses by zoning all unincorporated land except those areas where joint zoning jurisdiction has been granted to a municipality.

**Article 2.00**  
**Districts and Boundaries**

**2.01 Application of Regulations and Boundaries.** The regulations and zoning district boundaries set forth in this ordinance shall apply to all unincorporated land within Lincoln County except those areas which have been approved for municipal joint zoning jurisdiction.

**2.02 Districts Designated.** In order to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of the yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; the county is hereby divided into the following districts:

A-1 Agricultural	I-1 Industrial
RR Rural Residential	I-2 Industrial
R-1 Residential	RC Recreation/Conservation
C Commercial	PD Planned Development

The following districts shall be designated as zoning overlay districts, imposing special regulations on the properties that fall within these overlay districts without abrogating the requirements imposed by the underlying land use district regulations:

APO Aquifer Protection

**2.03 Incorporated by Reference.** The following are hereby adopted and incorporated by reference:

- A. The official zoning map(s) of the 2009 Revised Zoning Ordinance, together with all the explanatory matter thereon and attached thereto, is hereby adopted by reference and is declared to be a part of these regulations. The maps shall be filed with the Register of Deeds.
- B. The Flood Insurance Rate Map and Flood Insurance Study is hereby adopted by reference and declared to be a part of these regulations. Areas shown as Zone A or AE on the FIRM but which are zoned A-1 Agricultural on the zoning map shall be governed by the provisions of the RC Recreation/Conservation District.
- C. The approved plans submitted in conjunction with any Planned Development are hereby adopted by reference and declared to be a part of these regulations.

**2.04 Boundaries of Districts; Maps.** The boundaries of the districts are shown upon the maps which have been made a part hereof by reference. The various districts and their boundaries which have been designated on these maps shall have the same force and effect as if they were all fully set forth herein.



**2.05 Rules Where Uncertainty as to Boundaries Arises.** Where uncertainty exists with respect to the boundaries of the various districts shown on the maps accompanying and made a part of these regulations by reference, the following rules apply:

- A. The district boundaries are roads unless otherwise shown, and where the districts are bounded approximately by roads, the road shall be construed to be the boundary of the district.
- B. Where the property has been or may hereafter be divided into blocks and platted lots, the district boundary shall be construed to coincide with the nearest platted lot lines; and where the districts are bounded approximately by platted lot lines, the platted lot lines shall be construed to be the boundary of the district, unless the boundaries are otherwise indicated on the maps.
- C. In unplatted property, the district boundary lines shall be determined by use of the scale appearing on the map or the legal description as indicated.

**2.06 Vacation of Streets and Roads.** Whenever any street, road or other public way is vacated, the zoning district adjoining each side of such street, road, or other public way is extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to the appropriate regulations of the extended districts.

**Article 3.00**  
**A-1 Agricultural District**

**3.01 Intent.** It shall be the intent of this district to provide for a vigorous agricultural industry by preserving for agricultural production those agricultural lands beyond areas of planned urban development. It is recognized that because of the nature of both agricultural activities and residential subdivisions, that these two uses are generally poor neighbors and therefore a concentration of housing in the A-1 Agricultural District shall be discouraged.

**3.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District:

A. Agriculture.

B. A single-family dwelling if the following provisions for building eligibility are met:

1. Each quarter-quarter section shall have one building eligibility when all the following conditions are met:
  - a. There are no other dwellings on the quarter-quarter section.
  - b. The building site shall be a minimum of one acre.
  - c. Approval has been granted by the appropriate governing entity for access onto a public road.
  - d. The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
  - e. Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed with the Lincoln County Register of Deeds on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: **"RIGHT TO FARM NOTICE COVENANT"**  
You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural

area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Lincoln County Planning Commission.”

- C. Elementary or high school.
- D. Historical sites.
- E. Church.
- F. Neighborhood utility facility.
- G. Antenna support structure.
- H. Minor home occupation in conformance with Section 12.0301.

**3.03 Permitted Special Uses.** A building or premises may be used for the following purposes in the A-1 Agricultural District in conformance with the requirements prescribed herein. A building or premises intended to be used for the following purposes, where the prescribed requirements will not be met, shall obtain a conditional use in conformance with the requirements of Article 19.00:

- A. A building eligibility may be used within a farmstead provided:
  - 1. The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
  - 2. There will be no more than two dwellings within the farmstead.
  - 3. The residential structure may be a single-family dwelling, manufactured home, or mobile home.
- B. Wind energy conversion system in conformance with Article 12.02.
- C. Off-premise signs in conformance with Article 17.00.
- D. Greenhouses and nurseries provided there is no retail sale of products conducted on the premises.
- E. A single-family dwelling located on a lot of record in accordance with the following:



1. A lot of record consisting of less than 80 acres and containing no other dwellings shall have one building eligibility.
2. A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
  - a. The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
  - b. If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
3. Approval has been granted by the appropriate governing entity for access onto a public road.
4. Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.

F. Concentrated Animal Feeding Operation (Class D) provided:

1. The operation shall meet the requirements of Section 12.09 (D)(5) and Section 12.09 (F).
2. The operation shall not be in the Aquifer Protection Overlay District, over a mapped shallow aquifer or a flood plain.

G. Concentrated animal feeding operation (existing) shall be allowed to expand by up to 300 animal units provided:

1. The operation is located in a farmstead or property contiguous to.
2. The operation shall not be located in the Aquifer Protection Overlay District, over a mapped shallow aquifer or a flood plain.
3. The operation shall not exceed 500 animal units.
4. There is conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed waste containment facility. A registered professional engineer shall certify the plan specifications and the construction of the facility.
5. Approval by the Planning Director of a nutrient management plan which has been prepared in conformance with the South Dakota Department of Environment and Natural Resources standards.

6. The operation shall meet the requirements of Table 1 in Section 12.09 (D)(5) and Section 12.09 (F).

H. Concentrated animal feeding operation (Class C) provided:

1. The operation shall meet the requirements of Section 12.09(D)5 and Section 12.09(F).
2. The operation shall not be in the Aquifer Protection Overlay District, over a mapped shallow aquifer or a flood plain.
3. The operation shall obtain coverage under the South Dakota DENR General Water Pollution Control Permit.

*(Amended: Ordinance No. 1802-38, 02-27-18)*

**3.04 Conditional Uses.** A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use has been obtained in conformance with the requirements of Article 19.00:

- A. Rock, sand, or gravel extraction in conformance with Article 12.07.
- B. Mineral exploration in conformance with Article 12.04.
- C. Airport/heliport.
- D. Group day care.
- E. Private campground.
- F. Garden center.
- G. Kennel.
- H. Stable.
- I. Roadside stand.
- J. Fireworks sales provided the length of sales does not exceed nine (9) days.
- K. Golf course, golf driving range.
- L. Private outdoor recreation facility.
- M. Trap shoot, rifle range, pistol range.
- N. Public facility owned and operated by a governmental entity.

- O. Telecommunication and broadcast tower in conformance with Article 12.11.
- P. Bed and breakfast establishment.
- Q. Sanitary landfill, solid waste transfer station, rubble dump, commercial compost site.
- R. Sewage disposal pond.
- S. Cemetery.
- T. Pet cemetery.
- U. Livestock sales barn.
- V. Concentrated Animal Feeding Operation - New (Class A or B).  
(Amended: Ordinance No. 1802-38, 02-27-18)
- W. Electrical substation.
- X. Public utility facility.
- Y. Agriculturally related operations involving the handling, storage, transporting and shipping of farm products.
- Z. The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met:
  - 1. The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this section, same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel.
  - 2. Suitability as a building site based on the following factors:
    - a. Agricultural productivity of the soil.
    - b. Soil limitations.
    - c. Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
  - 3. The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.

4. The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.
5. Approval has been granted by the appropriate governing entity for access onto a public road.

AA. Manufactured home in conformance with Article 12.05(C) if there is building eligibility on the parcel.

BB. Major home occupation in conformance with Sections 12.0302 and 12.0303.

CC. Facilities for the storage and distribution of anhydrous ammonia.

DD. Operations related to the recycling, handling, grinding, processing, storage and shipment of wood and wood products.

EE. Hunting lodge.

**3.05 Accessory Uses.** Accessory uses and buildings permitted in the A-1 Agricultural District are buildings and uses customarily incident to any permitted use in the district.

**3.06 Parking Regulations.** All parking within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 15.00.

**3.07 Sign Regulations.** Signs within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 16.00.

**3.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the A-1 Agricultural District shall be as follows:

**A. General Requirements:**

Lot area.....	1 acre *
Lot width .....	125'
Front yard .....	30' **
Side yard .....	7'
Rear yard .....	30'
Maximum height .....	35' ***

\* Unless a larger lot size is required by the granting of a conditional use permit.

\*\* The front yard on a major arterial street or section line road shall be 50 feet.

\*\*\* There shall be no height limit for farm structures or wind energy conversion systems.

B. There shall be a required front yard on each street of a double frontage lot.



- C. If a lot of record has less area or width than herein required and its boundary lines along the entire length abutted lands under other ownership on August 3, 1995, and have not since been changed, such parcel of land may be used for any use permitted in this district.
- D. Buildings with side yard setbacks less than required herein may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.
- E. Buildings may be located within the required front yard but no closer to the public right-of-way than a legal nonconforming building provided the building is no greater than 150 feet from the nonconforming building.



**Article 4.00**  
**RR Rural Residential District**

**4.01 Intent.** This district is intended to protect a vigorous agricultural industry by limiting the areas in which the RR Rural Residential District can be used. The RR Rural Residential District, where permitted, shall generally be located where provisions can be made to adequately handle sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads and emergency services are easily and economically available.

**4.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the RR Rural Residential District:

- A. Single family dwelling.
- B. Public park, playground or swimming pool.
- C. Neighborhood utility facility.

**4.03. Permitted Special Uses.** A building or premises may be used for the following purposes in the RR Rural Residential District in conformance with the conditions prescribed therein or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

- A. Church subject to:
  - 1. Said building being adjacent to an arterial street or section line road.
- B. Elementary and high school subject to:
  - 1. One of the principle frontages of the premises shall abut upon an arterial or collector street.
  - 2. The main building shall be set back 25 feet from the side lot line.
- C. Minor home occupation in conformance with Section 12.0301.

**4.04 Conditional Uses.** A building or premises may be used for the following purposes in the RR Rural Residential District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- A. Mobile home/manufactured home park in conformance with Article 12.05.
- B. Mobile home/manufactured home subdivision in conformance with Article 12.05.
- C. Day care center.
- D. Group day care.

- E. Group home.
- F. Bed and breakfast establishment.
- G. Nursing home.
- H. Cemetery.
- I. Stabling of horses, provided they are owned by the resident of the property and not used as a commercial operation on the property.
- J. Golf course, except miniature course and driving range.
- K. Wind Energy Conversion System in conformance with the requirements of Article 12.02.
- L. Electrical substation.
- M. Public utility facility.
- N. Public facility owned and operated by a governmental entity.
- O. Major home occupation in conformance with Sections 12.0302 and 12.0303.

**4.05 Accessory Uses.** Accessory uses and buildings permitted in the RR Rural Residential District are buildings and uses customarily incident to any of the permitted uses in the district.

**4.06 Parking Regulations.** All parking within the RR Rural Residential District shall be regulated in conformance with the provisions of Article 15.00.

**4.07 Sign Regulations.** Signs within the RR Rural Residential District shall be regulated in conformance with the provisions of Article 16.00.

**4.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the RR Rural Residential District shall be as follows:

A. General requirements:

All Uses

Density .....	1 acre *
Lot area .....	1 acre *
Lot width .....	125'
Front yard .....	30' **
Side yard .....	15'
Rear yard .....	30'
Maximum height .....	35'

\* Where a central sanitary sewer is available, the required lot area may be reduced to 20,000 square feet.

\*\* The front yard on all major arterial streets or section line roads shall be 50 feet.

- B. There shall be a required front yard on each street of a double frontage lot.
- C. Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**Article 5.00**  
**R-1 Residential District**

**5.01 Intent.** This district is intended to provide for areas of residential use with a gross density of generally five dwelling units per acre or less. The district permits single family dwellings and such supportive community facilities as parks, playgrounds, schools, libraries and churches. It is intended that this district provide protection for those areas existing as, or planned for, single family neighborhoods. A central sanitary sewer system shall be available to serve these developments.

**5.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the R-1 Residential District:

- A. Single family dwelling.
- B. Public park, playground or swimming pool.
- C. Neighborhood utility facility.

**5.03. Permitted Special Uses.** A building or premises may be used for the following purposes in the R-1 Residential District in conformance with the conditions prescribed herein or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

- A. Churches:
  - 1. One of the principle frontages of the premises shall abut upon an arterial or collector street.
  - 2. The main building shall be set back twenty-five feet from the side lot line.
- B. Elementary and high schools:
  - 1. One of the principle frontages of the premises shall abut upon an arterial or collector street.
  - 2. The main building shall be set back twenty-five feet from the side lot line.

**5.04 Conditional Uses.** A building or premises may be used for the following purposes in the R-1 Residential District if a conditional use for such use has been obtained in conformance with the requirements of Article 19.00:

- A. Multiple dwellings.
- B. Group day care.
- C. Day care center.

- D. Bed and breakfast establishment.
- E. Private lake.
- F. Group home.
- G. Nursing home.
- H. Convent and monastery.
- I. Electrical substation.
- J. Public utility facility.

**5.05 Accessory Uses.** Accessory uses and buildings permitted in the R-1 Residential District are buildings and uses customarily incident to any of the permitted uses in the district.

**5.06 Parking Regulations.** Parking within the R-1 Residential District shall be regulated in conformance with the provisions of Article 15.00.

**5.07 Sign Regulations.** Signs within the R-1 Residential District shall be regulated in conformance with the provisions of Article 16.00.

**5.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the R-1 Residential District shall be as follows:

A. General requirements:

	All Uses	Corner Lots
Density	7,500 sq. ft.	8,500 sq. ft.
Lot area	7,500 sq. ft.	8,500 sq. ft.
Lot width	60'	85'
Front Yard	30'	30'*
Side yard	7'**	7'**
Rear yard	30'	15'
Maximum height	35'	35'

\* The front yard along the side street side of a corner lot may be reduced to 25 feet.

\*\* The side yard will be required to be increased to 10 feet when the building is three stories in height or more.

- B. The requirements for multiple dwellings shall be determined by the conditional use.
- C. There shall be a required front yard on each street of a double frontage lot.
- D. Buildings with side yard setbacks less than required herein, may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.

**Article 6.00**  
**C Commercial District**

**6.01 Intent.** This district is intended to provide for a wide variety of commercial uses generally located at major intersections and along major roads. This district will include general commercial uses requiring large land areas, extensive retail operations, and outdoor display.

**6.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the C Commercial District:

- A. Office.
- B. Bank or financial institution.
- C. Group day care, day care center, group home.
- D. Mortuary.
- E. Indoor recreational facility.
- F. Nursery or greenhouse.
- G. Church.
- H. Antenna support structure.

**6.03 Permitted Special Uses.** A building or premises may be used for the following purposes in the C Commercial District in conformance with the conditions prescribed herein or by obtaining a Conditional Use for such uses in conformance with the requirements of Article 19.00:

- A. Retail sales and trade, personal services, communication facilities, and warehousing provided:
  - 1. There is no outside storage.
  - 2. There is no storage of a regulated substance.
  - 3. The building contains 10,000 square feet of area or less.

*(Amended: Ordinance No. 2013-0202, 02-26-13; Ordinance No. 1611-34, 11-22-16)*

- B. Veterinarian clinic, animal hospital, animal shelter provided there is no outside kenneling of dogs.
- C. Frozen food locker provided there is no slaughtering of animals on the premises.
- D. Off-premise signs in conformance with Article 17.00.

**6.04 Conditional Uses.** A building or premises may be used for the following purposes in the C Commercial District if a conditional use for such use has been obtained in conformance with the requirements in Article 19.00:

- A. Wholesale trade.
- B. Bar or lounge.
- C. Equipment sales, display and repair.
- D. Motor vehicle sales, display, service and rental.
- E. Auto body shop.
- F. Transportation, including gasoline service station, truck stop, and terminal.
- G. Recycling facility.
- H. Fireworks sales provided sales are conducted from a permanent building when business operations exceed nine (9) days.
- I. Uses which store or handle a regulated substance.
- J. Lumberyard.
- K. Contractor's shop and storage yard.
- L. Car wash.
- M. Airport/heliport.
- N. Hotel or motel.
- O. Hospital.
- P. Motor vehicle repair shop.
- Q. Public utility facility.
- R. Campground.
- S. Commercial recreation facility.
- T. Wind energy conversion system
- U. Telecommunication and broadcast tower in conformance with Article 12.11.

V. Electrical substation.

W. Adult oriented business.

**6.05 Accessory Uses.** Accessory uses permitted in the C Commercial District are accessory buildings and uses customarily incident to any permitted uses in this district.

**6.06 Parking Regulations.** Parking within the C Commercial District shall be regulated in conformance with the provisions of Article 15.00.

**6.07 Sign Regulations.** Signs within the C Commercial District shall be regulated in conformance with the provisions of Article 16.00.

**6.08 Density, Area, Yard and Height Regulations.** A maximum height and minimum lot requirements within the C Commercial District shall be as follows:

A. General Requirements:

All Uses

Density .....	—
Lot Area .....	—
Lot Width .....	—
Front Yard .....	30'
Side Yard .....	10'
Rear Yard .....	20'
Maximum Height .....	35'

B. There shall be a required front yard on each street side of double frontage lots.

C. There shall be a required front yard on each street side of a corner lot.

D. Any accessory uses shall be required to comply with the height, front, rear, and side yard requirements of the main building.

E. The front yard on a major arterial street or section line road shall be 50 feet.



**Article 7.00**  
**I-1 Light Industrial District**

**7.01 Intent.** This district is intended to provide for a number of light manufacturing, wholesale, warehousing, and service uses in an attractive industrial park like setting. These uses do not depend on frequent personal visits from customers or clients and do not include residences, apartments, or commercial uses which are primarily retail in nature. It is the intention of this district to provide high amenity industrial development along the major roads and adjacent to residential areas, while allowing for slightly heavier development in the interior of the industrial areas.

**7.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the I-1 Light Industrial District:

- A. Public utility facility, electrical substation.
- B. Antenna support structure.
- C. Office.
- D. Bank or financial institution.
- E. Indoor recreation facility.
- F. Mortuary.
- G. Nursery or greenhouse.

**7.03 Permitted Special Uses.** A building or premises may be used for the following purposes in the I-1 Light Industrial District in conformance with the conditions prescribed herein or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

- A. Communication facilities, warehousing and repair services provided:
  - 1. There is no outside storage on the premises.
  - 2. There is no storage of a regulated substance on the premises.
  - 3. The building contains 20,000 square feet of area or less.
- B. Veterinarian clinic, animal hospital, animal shelter provided there is no outside kenneling of animals.
- C. Frozen food locker provided there is no slaughtering of animals on the premises.
- D. Off-premise signs in conformance with Article 17.00.

E. Telecommunication and broadcast tower in conformance with Article 12.11.

**7.04 Conditional Uses.** A building or premises may be used for the following purposes in the I-1 Light Industrial District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- A. Light manufacturing.
- B. Extraction of rock, sand and gravel in conformance with Article 12.07.
- C. Airport/heliport.
- D. Group day care, day care center, group home.
- E. Any conditional use listed in the C Commercial District.
- F. Salvage or junkyard.

*(Amended: Ordinance No. 1801-45, 01-23-18)*

**7.05 Accessory Uses.** Accessory uses and buildings permitted in the I-1 Light Industrial District are accessory buildings and uses customarily incident to any permitted uses in this district.

**7.06 Parking Regulations.** Parking within the I-1 Light Industrial District shall be regulated in conformance with the provisions of Article 15.00.

**7.07 Sign Regulations.** Signs within the I-1 Light Industrial District shall be regulated in conformance with the provisions of Article 16.00.

**7.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the I-1 Light Industrial District shall be as follows:

A. General requirements:

All Uses

Density .....	—
Lot Area .....	—
Lot Width .....	—
Front Yard .....	30'
Side Yard .....	10'
Rear Yard .....	20'
Maximum Height .....	45'

- B. There shall be a required front yard on each street side of a double frontage lot.
- C. There shall be a required front yard on each street side of a corner lot.

- D. The front yard on a major arterial street or section line road shall be 50 feet.

**Article 8.00**  
**I-2 General Industrial District**

**8.01 Intent.** This district is intended to provide for heavy industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, institutional or planned or neighborhood commercial establishments. All uses in this district shall comply with any state regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

**8.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the I-2 General Industrial District:

- A. Public utility facility, electrical substation.
- B. Antenna support structure.

**8.03 Permitted Special Uses.** A building or premises may be used for the following purposes in the I-2 General Industrial District in conformance with the conditions prescribed herein, or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

- A. Communication facilities, warehousing and wholesale trade provided:
  - 1. There is no outside storage on the premises.
  - 2. There is no storage of a regulated substance on the premises.
  - 3. The building contains 25,000 square feet of area or less.
- B. Off-premise signs in conformance with Article 17.00.
- C. Telecommunication and broadcast tower in conformance with Article 12.12.
- D. Wind energy conversion system in conformance with Article 12.02.

**8.04 Conditional Uses.** A building or premises may be used for the following purposes in the I-2 General Industrial District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- A. General manufacturing.
- B. Stockyards/slaughtering of animals.
- C. Rendering.
- D. Distillation of products.

- E. Refining.
- F. Sanitary landfill, solid waste receiving station.
- G. Paper manufacturing.
- H. Tank farm; petroleum products terminal.
- I. Salvage or junkyard.
- J. Airport/heliport.
- K. Extraction of rock, sand and gravel in conformance with Article 12.07.
- L. Mineral exploration and development in accordance with Article 12.04.
- M. Operations related to the recycling, handling, grinding, processing, storage and shipment of wood and wood products.
- N. Any similar use not heretofore specified.

**8.05 Accessory Uses.** Accessory uses and buildings permitted in the I-2 General Industrial District are accessory buildings and uses customarily incident to any permitted uses in this district.

**8.06 Parking Regulations.** Parking within the I-2 General Industrial District shall be regulated in conformance with the provisions of Article 15.00.

**8.07 Sign Regulations.** Signs within the I-2 General Industrial District shall be regulated in conformance with the provisions of Article 16.00.

**8.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the I-2 General Industrial District shall be as follows:

A. General requirements:

	All Uses
Density .....	—
Lot Area .....	—
Lot Width .....	—
Front Yard .....	30'
Side Yard .....	10'
Rear Yard .....	20'
Maximum Height .....	55'

- B. The front yard on a major arterial street or section line road shall be 50 feet.

**Article 9.00**  
**RC Recreation/Conservation District**

**9.01 Intent.** This district is intended to protect natural drainage courses in their capacity to carry run-off water, to limit permanent structures and uses of land in areas subject to flooding, to prevent the pollution of underground water supplies (aquifers), to provide open space and natural areas for recreation, and add to the aesthetic quality of the area.

**9.02 Permissive Uses.** A building or premises shall be permitted to be used for the following purposes in the RC Recreation/Conservation District:

- A. Agriculture.
- B. Public park; forest preserve.
- C. Public golf course.
- D. Historic sites.
- E. A single-family dwelling if the following provisions for building eligibility are met:
  - 1. Each quarter-quarter section shall have one building eligibility when all the following conditions are met:
    - a. There are no other dwellings on the quarter-quarter section.
    - b. The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
    - c. The building site shall be a minimum of one acre.
    - d. Approval has been granted by the appropriate governing entity for access onto a public road.
    - e. The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
    - f. Prior to any building permit being issued for any new single family residence located in the RC Recreation/Conservation District, a Right to Farm Covenant shall be filed with the Lincoln County Register of Deeds on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: **“RIGHT TO FARM NOTICE COVENANT**  
You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations.

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

F. Neighborhood utility facility. (*Amended: Ordinance No. 1807-36, 07-24-18*)

**9.03 Permitted Special Uses.** A building or premises may be used for the following purposes in the RC Recreation/Conservation District in conformance with the conditions prescribed herein, or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

A. A single-family dwelling located on a lot of record in accordance with the following:

1. A lot of record consisting of less than 80 acres and containing no other dwellings shall have one eligible building site.
2. The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
3. A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
  - a. The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
  - b. If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
  - c. Each building site shall consist of a minimum of one acre.
4. Approval has been granted by the appropriate governing entity for access onto the public road.

5. Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.
- B. A building eligibility may be used within a farmstead provided:
1. The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
  2. There will be no more than two dwellings within the farmstead.
  3. The residential structure may be a single-family dwelling, manufactured home or mobile home.
  4. The residential structure shall not be located in the 100-year flood plain as identified on the Flood Insurance Rate Map.
- C. Plant nursery provided there are no buildings located in the 100-year flood plain as identified on the Flood Insurance Rate Map.
- D. Off-premise signs in conformance with Article 17.00.
- E. Telecommunication and broadcast tower in conformance with Article 12.11.
- F. Wind energy conversion system in conformance with Article 12.02.

**9.04 Conditional Uses.** A building or premises may be used for the following purposes in the RC Recreation/Conservation District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- A. Manufactured home in conformance with Article 12.05(C) if there is building eligibility on the parcel.
- B. Group day care.
- C. Private outdoor recreation facility.
- D. Day or summer camp.
- E. Rifle and pistol range; trap shoot.
- F. Stable.
- G. Kennel.
- H. Roadside stand.



- I. Fireworks sales provided the length of sales does not exceed nine (9) days.
- J. Cemetery.
- K. Fairgrounds.
- L. Rock, sand and gravel extraction in conformance with Article 12.07.
- M. Electrical substation.
- N. Public utility facility.
- O. Major home occupation in conformance with Sections 12.0302 and 12.0303.
- P. The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met:
  - 1. The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this section, same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel.
  - 2. Suitability as a building site based on the following factors:
    - a. Agricultural productivity of the soil.
    - b. Soil limitations.
    - c. Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
  - 3. The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.
  - 4. The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
  - 5. The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.
  - 6. Approval has been granted by the appropriate governing entity for access onto a public road.
- Q. Bed and breakfast establishment.

R. Hunting lodge.

**9.05 Accessory Uses.** Accessory uses permitted in the RC Recreation/Conservation District are accessory buildings and uses customarily incident to any permitted uses in this district.

**9.06 Parking Regulations.** Parking within the RC Recreation/Conservation District shall be regulated in conformance with the provisions of Article 15.00.

**9.07 Sign Regulations.** Signs within the RC Recreation/Conservation District shall be regulated in conformance with the provisions of Article 16.00.

**9.08 Density, Area, Yard and Height Regulations.** The maximum height and minimum lot requirements within the RC Recreation/Conservation District shall be as follows:

A. General requirements:

Lot Area .....1 acre\*  
Lot Width.....125'  
Front Yard.....30'\*\*  
Side Yard .....7'  
Rear Yard.....30'  
Maximum Height.....35'\*\*\*

\* Unless a larger lot size is required by the granting of a conditional use permit.

\*\* The front yard on a major arterial street or section line road shall be 50 feet.

\*\*\* There shall be no height limit for accessory farm structures or wind energy conversion systems.

**Article 10.00**  
**PD Planned Development District**

**10.01 Intent.** It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for PD Planned Development District projects in order to:

- A. Encourage well planned, efficient development.
- B. Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
- C. Encourage the redevelopment of contiguous large lot parcels into an integrated and orderly subdivision pattern, with particular attention to developing an efficient and coordinated network of internal streets.
- D. Promote the clustering of residential structures and other uses without increasing overall density of the development area in order to preserve unique and natural features such as woodlands, wetlands, natural drainage systems and scenic areas.
- E. Protect sensitive areas and areas with restrictive soil conditions within development areas through clustering of uses on land more suited for building.
- F. Reserve adequate public right-of-way within development areas for the eventual extension of arterial and collector streets, including proper width and spacing of such streets.
- G. Improve communication and cooperation among the County, townships, land developers, and interested residents in the development of agricultural land and redevelopment of existing areas.

It is not the intent of the PD Planned Development District to accommodate or encourage the development of isolated small tracts where adjoining parcels are not considered within an overall development scheme.

**10.02 Procedure.**

- A. Initial Development Plan. When a petitioner wants to request a rezoning to the Planned Development District, he shall submit his request to the Office of Planning and Zoning, showing the information specified in 10.03 below, a minimum of 30 days prior to the Planning Commission meeting at which consideration is desired. After the planned development request has been reviewed, the Planning Commission shall make a recommendation to the County Commission on the requested rezoning. The County Commission shall then act to approve or deny said request.

This request for rezoning is subject to the requirements for amendment of the zoning regulations specified in Article 20.00. No permit shall be issued within the development until the Final Development Plan is approved and the plat is filed.

- B. Final Development Plan. Prior to construction on any lots in the planned development, the petitioner shall present a Final Development Plan showing the information specified in 10.04 below, to the Planning Commission, who shall have the sole authority to approve, deny, or amend said plan.

The Final Development Plan may be submitted in conjunction with the Initial Development Plan for concurrent approval on any subareas the developer is ready to commit to a final plan. All the information required for both an Initial and Final Development Plan must be shown for the area submitted for concurrent approval, except that the developer may reference the requirements of one of the traditional zoning districts as the development standard for a particular subarea.

C. Amendments.

1. Major Amendments. Major amendments to the Initial and/or Final Development Plan shall be required to be approved as an amendment to the zoning regulations, requiring Planning Commission review, and County Commission approval.
2. Minor Amendments. Minor amendments to the Initial and/or Final Development Plan shall be required to be approved by the Planning Commission at a hearing. Notice of such hearing shall be given by the posting of a sign on the property. Minor amendments to the Initial Development Plan may also be made by the submission and approval of a Final Development Plan which is changed from the approved Initial Development Plan. Any such amendments shall be shown as a change from the Initial Development Plan on the Final Development Plan.
3. Minimal Amendments. Minimal amendments to the Final Development Plan shall be submitted to the Planning Director on a reproducible development plan showing the requested changes. The Planning Director may then approve such change in writing, if he/she deems it appropriate.

**10.03 Initial Development Plan.** Upon application for rezoning to the Planned Development District, the petitioner shall present an Initial Development Plan to the Planning Commission for review, and to County Commission for their approval showing the following information:

- A. Project name and legal description.
- B. A preliminary subdivision plan.
- C. The proposed development scheme showing the following information:

1. The proposed land uses, including the number and type of proposed residential buildings, the proposed number of dwelling units per building, the number and type of any proposed nonresidential buildings and their square footage.
2. The proposed maximum density of the development, which shall not exceed the density allowed in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such densities undesirable.
3. The proposed minimum setbacks which shall be no less than those required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such setbacks undesirable.
4. The proposed maximum height which shall be no greater than that required in the traditional zoning districts for similar uses, except where unique physical, environmental or design characteristics make such heights undesirable.
5. Proposed design features illustrating compatibility to the surrounding environment and neighborhood.
6. Anticipated subarea development sequence.

**10.04 Final Development Plan.** Prior to construction on any lots in the Planned Development Zoning District, the petitioner shall present a Final Development Plan to the Planning Commission for their approval. The Final Development Plan shall show the following information:

- A. The subdivision name, the legal description, and the individual project name (if any).
- B. Boundaries of the subarea or subareas submitted for approval superimposed on the map of the Initial Development Plan.
- C. A subdivision plat of the subarea or subareas submitted for approval.
- D. A scale drawing showing the following information will be required for everything except single-family detached dwelling subareas:
  1. Size and location of proposed structures including height and number of units.
  2. Calculated floor area for each structure and a generic listing of the uses within said structure.
  3. Off-street parking lot arrangement designating all parking spaces, off-street loading spaces, and any outdoor trash container spaces.
  4. Any sidewalks, bikeways or other paths.

5. Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.
6. All existing and proposed utilities, drainageways, water courses, and location of above ground existing utilities on adjacent property.
7. Proposed final ground contours.
8. Existing and proposed uses adjacent to the area.
9. Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.
10. Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.
11. Proposed parking and loading spaces which shall be in conformance with Article 15.00, except where unique physical, environmental or design characteristics make such requirements undesirable.
12. Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.

#### **10.05 Amendments.**

- A. The following changes in an Initial and/or Final Development Plan are considered major amendments:
  1. Any change in the proposed land uses.
  2. Any major change in the street pattern.
  3. An increase in density above that provided for in (B)(5) below.
- B. Minor Amendments: The following changes in an Initial and/or Final Development Plan are considered minor amendments:
  1. Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback).
  2. Major decrease in density.

3. Any decrease in the size of required open areas.
  4. A minor change in the street pattern.
  5. Any increase in density of a subarea:
    - a. Less than 25% for a subarea with less than eight units.
    - b. Less than 15% for a subarea with between nine and twenty units.
    - c. Less than 8% for a subarea with twenty-one units or more.
- C. Minimal Amendments: The following changes in an Initial and/or Final Development Plan are considered minimal amendments:
1. Any adjustment of a building within a previously established building envelope.
  2. A minor reduction in density.

**10.06 Planned Development Districts.** Planned development districts shall be as enumerated below:

**10.0601 Tallgrass Planned Development District.** The regulations set forth herein or elsewhere in these regulations are the district regulations in the Tallgrass Planned Development District:

- A. Uses Permitted. A building or premises shall be permitted to be used for the following purposes:
1. A Single-family dwelling.
  2. A maximum of two dwelling units, each of which is to be used for a supervised, residential chemical dependency recovery program.
- B. Accessory Uses. Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use in this district and restricted as follows:
1. A maximum of three accessory buildings limited to a total maximum floor area of 1,500 square feet, with any building not to exceed 800 square feet. The accessory buildings shall specifically include a maximum of one horse barn or stable, a maximum of two equipment and machinery sheds, and other accessory buildings as permitted by this Ordinance.
  2. Horses not to exceed six (6).
  3. All accessory uses listed in Section 12.06(A) of this Ordinance shall be permitted.

4. A parking lot with a maximum of 45 parking spaces.
- C. **Parking Regulations.** Parking regulations shall be regulated in conformance with the provisions of Article 15 of this Ordinance, except that off-street parking for specific uses shall be required as follows:
1. Single-family dwelling: one space for each dwelling unit.
  2. A maximum of two dwellings units, each of which is to be used for a supervised, residential chemical dependency recovery program: one parking space for every two beds.
- D. **Sign Regulations.** Sign regulations shall be regulated in conformance with the provisions of Article 16 of this Ordinance, except that signs for specific uses shall be limited as follows:
1. Single-family dwelling: the same regulations shall apply as in the “R” Rural Residential District.
  2. A maximum of two dwelling units, each of which is to be used for a supervised, residential chemical dependency recovery program: the same regulations shall apply as permitted in Section 16.05(D) of this Ordinance.
- E. **Density, Area, Yard and Height Regulations.** The same requirements shall apply as in the “RR” Rural Residential District.
- F. **Other Regulations.** Other regulations shall be:
1. All dwellings permitted in this district shall be served by an on-site wastewater system, installed and operated in accordance with DENR and Lincoln County regulations.
  2. The landscaping, shrubbery and trees on the property shall be maintained in similar or improved condition from the date of approval of this Ordinance. Such requirement shall not prevent the occupant(s) from removing or relocating any landscaping, shrubbery or trees on the property in order to construct any improvements permitted in this district or in furtherance of the maintenance of the landscaping, shrubbery and trees in a similar or improved condition.
  3. Prior to occupancy by participants in the recovery program, the dwelling(s) will be inspected by the appropriate entity for compliance with any applicable fire, building, plumbing, mechanical, and/or electrical codes and regulations. If any deficiencies are noted, the same shall be corrected before participants in the recovery program are allowed to move in.

**10.0602 Commerce Park Planned Development District.** The regulations set forth herein or elsewhere in the Lincoln County Revised Zoning Ordinance are the district regulations for the 18/29 Commerce Park Planned Development District:



- A. Uses Permitted. A building, space, lot or premises shall be permitted to be used for the following purposes and not otherwise in the following identified district or subarea:
1. Subarea A: Livestock Sales Barn, and all usual improvements for the conduct of a livestock auction business, including livestock pens, loading/unloading chutes, vehicle and trailer parking areas, and lagoons or ponds associated with the detention of storm waters, animal wastes, and human wastes, designed, maintained and operated in accord with the general or site specific permit of the Department of Environment & Natural Resources, or other applicable law or regulation otherwise applicable to a concentrated animal feeding operation, such uses to observe all applicable setback or separation distances provided for in subsection (F) of Section 12.09 of the Revised Zoning Ordinance, as amended.
  2. Subarea B: (1): Office, Bank or financial institution; or Nursery or greenhouse; Retail Sales and trade, personal services, communication facilities and warehousing; Wholesale trade; Equipment sales, display, service, rental or repair; Transportation services; Lumberyard, building construction center; Contractor's shop and storage yard; Car wash; Permitted Special Uses: Warehousing and repair services, and communication facilities, and, provided: (1) No outside storage is conducted on the premises (2) No storage of a regulated substance is undertaken (3) The building contains 20,000 square feet of area or less; Veterinarian clinic, provided no outside kenneling of animals; Frozen food locker, containing 20,000 square feet of area or less; On site Signs, in conformity with Article Seventeen of this Ordinance; Uses, as would otherwise be appropriate in the "C" District, as listed in Section 6.02 and Section 6.03 of this Ordinance.; Light Manufacturing; and Uses, similar to those listed, but not otherwise specified. (2) When a conditional use permit shall have been granted under the provisions of Article 19, et seq., Animal Slaughter, Meat Packing or Processing; or Uses which store or handle a regulated substance. (3) Vehicle or equipment parking areas, and lagoons or ponds associated with the detention of storm waters and human wastes, to be designed, maintained and operated in accord with permits and requirements of the Department of Environment and Natural Resources, or other applicable law or regulation otherwise applicable to such uses.
- B. Accessory Uses. Accessory uses and buildings permitted are those customarily incident to any permitted use in the following referenced district or subarea thereof, and further restricted as follows:
1. Subarea A: Livestock Sales Barn may additionally provide Auction services on site for farm machinery or goods or other personal property, and may also provide, by lease to tenant or otherwise, on premises Food and beverage services, including café, to serve the needs of patrons, visitors or general public.
  2. Subarea B: Uses normally ancillary or subordinate to the permitted uses, as specified in Section (1), above.

- C. **Parking Regulations.** The parking regulations for the 18/29 Commerce Park Planned Development District are as follows:
1. Subarea A: Parking regulations for this subarea shall be those specified in Section 15.01(B); off-street parking may be provided within 300 feet of the Livestock Sales Barn, the number of spaces to be consistent with Section 15.02(K), based on the number of seats in the sales pavilion area, without increase on account of café or other accessory uses therein.
  2. Subarea B: Parking regulations for this subarea shall be as follows:
    - a. One parking space shall be provided for each 400 square feet of floor area.
    - b. Parking lots and driveways shall be hard-surfaced, or finished by durable recycled materials, as selected by Developer.
    - c. Parking may be provided within 300 feet of the Principal Use.
- D. **Sign Regulations.** Sign regulations for the 18/29 Commerce Park Planned Development District, both Subareas A and B, shall be as follows:
1. **On-Site Signs.** The provisions of Section 16.02(C), shall apply to this District, and the provisions of Section 16.04(B), shall apply to this District.
  2. **Regulations for On-Site Signs.** Wall signs, projecting signs, roof signs, and freestanding signs in the District shall be governed by the provisions of Section 16.03.
  3. **Off-site Signs.** Off site signs are not allowed in the District, except the Livestock Sale Barn in Subarea A may maintain a free-standing sign within Subarea B, of size and height otherwise consistent with this Section (D). The Developer or Manager of the property in the District may also maintain a pylon or other sign arrangements at or near the public entrance to the District for purposes of maintaining signs as if a “shopping center” within the meaning of Section 16.04(A), provided the application of Section 16.04(A) shall not prevent the use of other on-site freestanding signs within the District as meet the requirements of Section 16.03(D).
- E. **Density, Area, Yard and Height Regulations.**
1. Subarea A: Density: A maximum of one Livestock Sales Barn may be located in Subarea A, and minimum lot size for such use shall be 5 acres. Other Regulations: Front, Side and Rear Yards as pertain in the “I-2” District. Maximum height, 48 feet, except for on-site signs where greater height may be allowed under Sign Regulations, and communications devices and support structures, which shall be governed by the maximum height restrictions of Section 8.08.

2. Subarea B: Density: On principal use per lot, 1-acre minimum lot size. Other Regulations: 30' front yard, 20' side yard, 20' rear yard. Maximum Height: 35 feet, except for on-site or off-site signs where greater height may be allowed under Sign Regulations.

F. Other Regulations. Additional regulations for the District include the following:

1. Subarea A:

- a. All liquid animal wastes shall be contained in lagoons constructed and maintained in accordance with plans approved by DENR, and the Livestock Sales Barn shall be covered either by a general or site-specific permit.
- b. All waste disposal and management, including dry manure and mixed waste materials, shall be conducted and pursued under a waste management plan, prepared by a licensed engineer, consistently with subparagraph (D) of Section 12.09, Revised Zoning Ordinance, and reviewed by DENR, reviewable also at the option of the Planning Commission. The waste management plan shall meet all minimum requirements of Section 12.09, including the disposal separation distances specified in (D)(5) of Section 12.09.
- c. The animal waste facilities used by the Livestock Sales Barn shall meet, at minimum, the setback chart provided for a Class C CAFO in subparagraphs (F) of Section 12.09 (unless such separation distance is waived by an authorized person, business or governmental entity, by written instrument duly recorded and running with the land to be burdened), notwithstanding any intensity of use under which the animal units on hand for purposes of sale by their owners may be greater than the animal units meeting the definition of a Class C CAFO.
- d. The Livestock Sales Barn shall not keep or maintain an animal on the premises, meeting the definition of livestock and intended by the owners to be sold at a publicly advertised or announced sale, for more than 60 consecutive hours.
- e. All structures shall be designed so that human wastes from uses in the subarea shall be connected to and collected in a sewage lagoon designed and maintained in accord with the regulations of DENR.
- f. Trash bins or other receptacles outside of structures or buildings shall be screened or fenced, and periodically emptied and removed (not less than once per week) by commercial refuse haulers. No trash, garbage or other refuse shall be stockpiled, burned or buried upon any premises within the subarea, provided, manure may be accumulated pending disposal in accord with the waste management plan.

2. Subarea B:

- a. All structures shall be designed so that human wastes from uses in the subarea shall be connected to and collected in a sewage lagoon designed and maintained in accord with regulations of DENR.
- b. Trash bins or other receptacles outside of structures or buildings shall be screened or fenced, and periodically emptied and removed (not less than once per week) by commercial refuse haulers. No trash, garbage or refuse shall be burned or buried on any premises within the subarea.

**10.0603 Tom Sawyer Planned Development District.** The regulations set forth herein or elsewhere in the Lincoln County Revised Zoning Ordinance are the district regulations for the Tom Sawyer Planned Development District:

A. Uses Permitted. A building, space, lot or premises shall be permitted to be used for the following purposes and not otherwise in the following identified district or subarea:

1. Subarea A:

- a. Permissive Uses: Office; Bank or financial institution; Group day care, day care center, group home; Mortuary; Indoor Recreational Facility; Nursery or greenhouse; Church; Neighborhood Utility Facility.
- b. Permitted Special Uses: Retail sales and trade, personal services, communication facilities, and warehousing, provided: (1) No outside storage is conducted on the premises (2) No storage of a regulated substance is undertaken (3) The building contains 10,000 square feet of area or less; Veterinarian clinic, provided no outside kenneling of dogs; Frozen food locker, containing 10,000 square feet of area or less; On-site Signs, in conformity with Article 16 of this Ordinance.
- c. Conditional Uses: Contractor's shop and storage yard; Garage, public storage; Retail sales and trade, including new or used farm and livestock-related equipment, trailers and vehicles but only in Lots 1 and 2 of Block 1 of the Tom Sawyer Addition.

*(Amended: Ordinance No. 0909-24, 09-29-09)*

- 2. Subarea B: The buildings, lots or premises in this subarea will be permitted to be used for "single family dwelling," served by an on-site wastewater system, installed and operated in accordance with DENR and Lincoln County regulations.

B. Accessory Uses. Accessory uses and buildings permitted are those customarily incident to any permitted use in the following referenced district or subarea thereof, and further restricted as follows:

- 1. Subarea A: Consistent with Section 6.05.
- 2. Subarea B: Consistent with Section 4.05.

- C. **Parking Regulations.** The parking (together with off-street loading requirements) regulations for the Planned Development District shall be in accord with the following:
1. **Subarea A:** Parking regulations and off-street loading requirements for Subarea A shall be those specified in Sections 11.04 and 11.05 of Harrisburg Zoning Regulations, as such are in force and in effect on the date of this Ordinance, incorporated herein by this reference.
  2. **Subarea B:** Parking regulations for Subarea B shall be those specified in Section 11.04 of Harrisburg Zoning Regulations, such as are in force and in effect on the date of this Ordinance, incorporated herein by this reference.
- D. **Sign Regulations.** Sign regulations for the Planned Development District, Subarea A, shall be as follows:
1. **On-Site Signs.** The provisions of Section 11.06, "On-Premise Signs," Harrisburg Zoning Regulations, for Zoning District "GB" shall apply to this District, Subarea A, as such are in force and in effect on the date of this Ordinance, having been incorporated herein by this reference.
  2. **Regulations for On-Site Signs.** Wall signs, projecting signs, roof signs, and freestanding signs in this District, Subarea A, shall be governed by the provisions of Section 11.06, Harrisburg Zoning Ordinance, as such are in force and in effect on the date of this Ordinance, and establishing regulations for "On-Premise" signs in the "GB" Zoning District, such regulations being incorporated herein by this reference.
  3. **Off-site Signs.** Off site signs shall be allowed in the District, Subarea A, consistently with the provisions applicable to "Off-Premise" signs in the "GB" Zoning District, Section 11.07, Harrisburg Zoning Ordinance, as such are in force and in effect on the date of this Ordinance, and incorporated herein by this reference.
- E. **Density, Area, Yard and Height Regulations.**
1. **Subarea A:** All uses in this District shall, if also named as a Permitted Use in Section 8.01 of Harrisburg Zoning Ordinance, shall comply with the density, area, yard and height regulations established in Section 8.02 of Harrisburg Zoning Ordinance, such as are in force and in effect on the date of this Ordinance, incorporated herein by this reference. All uses in the District not shown as a Permitted Use in Section 8.01 of Harrisburg Zoning Ordinance (as in force on the date of this Ordinance), but shown as a Permitted Use in Section 9.01 of Harrisburg Zoning Ordinance, shall comply with the regulations established in 9.02 of Harrisburg Zoning Ordinance, as are in force and in effect on the date of this Ordinance, incorporated herein by this reference.
  2. **Subarea B:** Uses in this District shall comply with the minimum area, width, front yard, side yard, rear yard and maximum height requirements of Section 4.02 of Harrisburg Zoning Ordinance, as well as Section 5.08.

F. Other Regulations. Additional regulations for the District include the following:

1. Subarea A: All uses within the District shall observe and comply with "Architectural Standards, General Landscaping and Buffer Requirements," all as set forth in Section 11.11 of Harrisburg Zoning Ordinance as is in force and effect on the date of this Ordinance, incorporated herein by this reference; in particular, uses shall comply with Subsection C.5 of Section 11.11, to the extent such use is a non-residential building abutting Minnesota Avenue (abutting Subarea A to the east). In the event of conflict between the requirements of Lincoln County Zoning Ordinance and Harrisburg Zoning Ordinance as to minimum requirements, all uses shall comply with the most restrictive minimum requirements, while as to maximum requirements, all uses shall observe and comply with both Ordinances.
2. Subarea B: All uses within the District shall observe and comply with "Architectural Standards, General Landscaping and Buffer Requirements," all as set forth in Section 11.11 of Harrisburg Zoning Ordinance, as well as Sections 11.02, 11.03, 11.08, and 11.10 of Harrisburg Zoning Ordinance, all as in force and effect on the date of this Ordinance, incorporated herein by this reference.

**10.0604 Van Beek Family Foundation Planned Development District.** The regulations set forth herein or elsewhere in the Lincoln County Revised Zoning Ordinance are the district regulations for the Van Beek Family Foundation Planned Development District:

- A. Uses Permitted. A building or premises shall be permitted to be used for the following purposes:
  1. A maximum of one (1) single-family dwelling.
  2. Museum.
  3. Events Center with sleeping quarters.
  4. Agriculture.
- B. Accessory Uses. Accessory uses and buildings permitted are those buildings and uses customarily incident to a use allowed in the A-1 Agricultural District.
- C. Parking Regulations. Parking shall be regulated in conformance with the provisions of the A-1 Agricultural District.
- D. Sign Regulations. Signs shall be regulated in conformance with the provisions of the A-1 Agricultural District.
- E. Density, Area, Yard and Height Regulations. Density, area, yard and height shall be regulated in conformance with the provisions of the A-1 Agricultural District.  
(Amended: Ordinance No. 1605-42, 05-24-16)



## **Article 11.00**

### **APO Aquifer Protection Overlay District**

**11.01 Intent.** The district is intended to preserve the quality and quantity of the area's water resources so as to ensure a safe and adequate supply of drinking water for present and future generations. Restrictions shall apply to land use activities which have the potential to contaminate water resources, including aquifers in use and those having the potential for future use as a public water supply. The purpose of the district is to prohibit certain uses which pose the greatest threat to groundwater contamination and to impose reasonable and adequate safeguards on other uses which exhibit a potential to contaminate the groundwater. The Aquifer Protection Overlay District is an overlay whose boundaries are superimposed on all districts established by this ordinance. It is not intended that this district interfere with, abrogate, or annul any other rules or regulations of this ordinance, except that if the Aquifer Protection Overlay District imposes a greater restriction than the underlying zoning district regulations, the greater restriction shall apply.

**11.02 Establishment/Delineation/Regulation of an Aquifer Protection Overlay District.** The boundaries of the Aquifer Protection Overlay District are shown upon the map which has been made a part hereof by reference. The map shall be signed by the Chairman of the Board of County Commissioners and filed with the County Register of Deeds. The map shall have the same force and effect as if it were all fully set forth herein. The shallow/surficial aquifer boundary was mapped using data from the South Dakota Geological Survey and the United States Geological Survey. The map only serves as a general guide to the locations and depths of the mapped aquifer units. Boundaries shown are general in nature and may be modified in the future as site/area specific information is obtained. Additional information shall be used whenever available to more precisely determine aquifer locations and depths. Actual site-specific aquifer boundaries and depths may differ from those shown on the map. The mapped boundaries are drawn at the discretion of geologists and hydrologists based on best available information. Site-specific hydro-geologic information may be necessary to verify the location of a proposed use in relation to an underlying shallow aquifer. Any applicant that is identified as being within the aquifer protection overlay zone, as denoted on the map, can provide drilling logs from soil borings on and/or near the site of the proposed use to conclusively prove that it is not located above a shallow/surficial aquifer area. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings will be followed.

#### **Zone A – Aquifer Critical Impact Zones**

Zone A, the wellhead protection area, is the mapped zone of contribution around all public water supply wells or wellfields in shallow/surficial aquifers and includes land upgradient from the well or wellfield to the ten year time of travel boundary plus any delineated adjacent lands not underlain by the aquifer with sufficient slope that contaminated surface water could flow directly onto Zone A.

#### **Permitted Uses**

All uses as outlined in the underlying zoning districts may be allowed provided they can meet the

performance standards as outlined for the Aquifer Protection Overlay District.

### **Conditional Uses**

All uses as outlined in the underlying zoning districts may be allowed provided they can meet the performance standards as outlined for the Aquifer Protection Overlay District.

### **Prohibited Uses**

- A. Concentrated Animal Feeding Operation (CAFO) installed after adoption of this ordinance.
- B. Manure storage areas except above ground tanks.
- C. Disposal of solid waste except spreading of manure.
- D. Outside unenclosed storage of road salt.
- E. Disposal of snow containing de-icing chemicals.
- F. Disposal of radioactive waste.
- G. Graveyards or animal burial sites.
- H. Detonation sites.
- I. Open burning except ditches, fields and non-hazardous yard and household wastes such as paper, wood and leaves.
- J. Public sewer systems and waste water lagoons.
- K. Land spreading of petroleum contaminated soil.
- L. Land spreading or dumping of waste oil.
- M. Class V injection wells.
- N. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having a potentially harmful impact on ground water quality.

### **Zone B – Aquifer Secondary Impact Zones**

Zone B is the remainder of the mapped shallow/surficial aquifer in the county not included in Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water



supply and (4) contaminants from this area could eventually enter Zone A.

### **Permitted Uses**

All uses as outlined in the underlying zoning districts may be allowed provided they can meet the performance standards as outlined for the Aquifer Protection Overlay District.

### **Conditional Uses**

All uses as outlined in the underlying zoning districts provided they can meet the performance standards as outlined for the Aquifer Protection Overlay District.

### **Prohibited Uses**

- A. Land spreading of petroleum contaminated soil.
- B. Land spreading or dumping of waste oil.
- C. Class V injection wells.

### **Performance Standards**

The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. New or replacement septic tanks and associated drain fields for containment and disposal of human or animal wastes must conform with regulations established by the South Dakota Department of Environment and Natural Resources.
2. Manure storage areas may be permitted in Zone B but must be constructed in conformance with good engineering practices as recommended by the Natural Resource Conservation Service and/or the South Dakota Department of Environment and Natural Resources for Waste Storage Ponds.
3. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the Office of Planning and Zoning.
4. Any commercial or industrial facility, not addressed by (2) or (3) above, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste, except for spreading of manure, in excess of 1,000 pounds and/or 100 gallons which has the potential to contaminate groundwater must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or discharge from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and accessible sumps.

5. When pastured animals are concentrated for winter feeding, engineered measures shall be employed to prevent runoff of manure.
6. Discharge of industrial process water on site is prohibited without Office of Planning and Zoning approval.
7. Auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of petroleum products and shall properly dispose of all other potentially hazardous waste materials.
8. Any facility involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials must prepare and have on file in the Office of Planning and Zoning an acceptable engineered contingency plan for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, other natural catastrophes or equipment failure occur:
  - a. For flood control, all underground facilities shall include a monitoring system and a secondary standpipe above the 100 year frequency flood level. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 120 percent of the largest storage volume, will be provided with an overflow recovery catchment area (sump).
  - b. For equipment failures, plans shall include but not be limited to:

Below ground level, provision for removal and replacement of leaking parts, a leak detection system with monitoring and an overfill protection system.

Above ground level, provision for monitoring, replacement, repair and cleanup of primary containment systems.
  - c. For other natural or man-caused disasters, the owner and/or operator shall report all incidents involving liquid or chemical material which may endanger health and/or safety of disaster personnel and/or general public.
  - d. Agricultural operations are exempted from performance standard (8) unless chemicals stored which are on the Superfund Amendments and Re-authorization Act of 1986 (SARA Title III) extremely hazardous substance list in quantities exceeding the threshold planning quantity at any one time.
9. All abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:67-70, to prevent contamination of groundwater by surface water.
10. Office of Planning and Zoning and the Department of Environment and Natural Resources shall be informed within 24 hours of all leaks and spills of materials that might potentially contaminate groundwater.

**Article 12.00**  
**Additional Use Regulations**

**12.01 Fences.** Regulations regarding fences shall be as follows:

- A. Fences up to four feet in height may be located on any part of the lot except that such a fence may not be more than 30 percent solid if located within 30 feet of a street intersection, measuring along the property line.
- B. Fences up to six feet in height may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

**EXCEPTIONS:**

- 1. Fences up to six feet in height may be placed in the side-street-side front yard where:
  - a. The side-street-side front yard abuts an arterial street shown on the major street plan.
  - b. The side-street-side front yard is not adjacent to a side yard.
  - c. The fence is located no closer to the front yard than the rear wall of the main building.
- 2. In the C, I-1, and I-2 zoning districts, fences not more than 8 feet in height may be located on any part of a lot other than the required front yard except when such lot is adjacent to a residential district.

**12.02 Wind Energy Conversion Systems.** The regulations regarding Wind Energy Conversion Systems (hereafter referred to as WECS) shall be as follows:

- A. Intent. The intent of regulations for Wind Energy Conversion Systems is to encourage the development of alternative sources of energy while protecting the health, safety and welfare of the public.
- B. Accessory WECS. The applicant shall provide to the Planning Director documentation that the tower structure for the system has received a professional structural engineer's certification.
  - 1. Height.
    - a. The lowest portion of the blade shall be at least thirty (30) feet above the ground.
    - b. WECS are exempt from the maximum height requirements of this Ordinance.
  - 2. Setbacks.

- a. The WECS shall be located in the rear yard only and shall be set back 1.25 times the total WECS height from the property lines.
  - b. Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Commissions for their approval.
3. Illumination and Security.
- a. Illumination and markings shall be limited to the requirements of the FAA. There shall be no lights on the tower other than what is required by the FAA. FAA approved red lights shall be used from dusk till dawn. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.
  - b. Access to the WECS shall be restricted by one or more of the following means:
    - i. Tower-climbing apparatus located no closer than twelve (12) feet the ground; or
    - ii. A locking anti-climb device installed on the tower; or
    - iii. Enclosure of the tower by a fence at least six (6) feet high with locking portals.
4. Noise. The noise level of the WECS shall not exceed 50 dB(A) as measured at any property line or the WECS shall not create noise beyond the lot containing the WECS which exceeds 60 dB(A) as measured at the nearest habitable dwelling.
5. Signs. One sign, not to exceed four (4) square feet, shall be posted at the base of the tower and display suitable warning of danger to unauthorized persons, the system's manufacturer, and emergency shut-down procedures. No other signage shall be allowed.
6. Electromagnetic interference. If a WECS is installed in any location along or within the major access of an existing microwave communications link, the person desiring to install the WECS 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 WECS.
7. Air space. A WECS 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.

8. Interconnect. The WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company.
- C. Commercial WECS. Commercial WECS shall be permitted only on lands zoned A-1 Agricultural, C Commercial, I-1 Light Industrial or I-2 General Industrial.

*(Amended: Ordinance No. 1611-35, 11-22-16)*

1. Equipment Design.

Tower

The tower(s) shall be of singular tubular steel construction.

Color

The color of the turbines and equipment buildings shall be unobtrusive and non-reflective with a galvanized or matte finish. Black blades are acceptable for mitigation of icing.

Height

- a. The lowest portion of the blade shall be at least thirty (30) feet above the ground and thirty (30) feet above the highest existing structure within a radius of two hundred fifty (250) feet.
- b. WECS are exempt from the maximum height requirements of this Ordinance.

Distribution Lines/Power Poles

All on-site electrical wires associated with the WECS shall be installed underground and maintained in conformance with the National Electric Safety Code or other applicable codes.

2. Setbacks

- a. WECS shall be set back 2 times the total WECS height from any property line.
- b. WECS shall be set back 1.25 times the total WECS height from the right-of-way line of any public road.
- c. WECS shall be set back 2,640 feet from the closest exterior wall of any habitable structure.

When a proposed WECS does not meet the setback set forth in these regulations, the application shall be accompanied by a signed waiver from each landowner located

closer than the setback. No building permit shall be issued until the waiver(s) are filed with the Lincoln County Register of Deeds. This waiver would run with the land.

*(Amended: Ordinance No. 1705-02, 05-02-17)*

3. Illumination and Security

- a. Lighting shall be limited to the minimum requirements of the Federal Aviation Administration (FAA). There shall be no lights on the tower other than what is required by the FAA. The use of Automatic Obstruction Lighting Systems is mandatory for a Commercial WECS with FAA lighting. If more than one lighting alternative is reasonably available, the alternative that causes the least visual disturbance must be used.

*(Amended: Ordinance No. 1710-47, 10-24-17)*

- b. Each turbine shall be equipped with a braking system and blade pitch control.
  - c. All guy wires shall be distinctly marked.
  - d. Signs warning of the electrical and other hazards associated with the WECS shall be posted at the base of each tower.
  - e. Anti-climbing devices shall be installed on each tower.
4. Noise. The noise level of the WECS shall not exceed 45 dB(A) as measured at any property line and the audible noise due to WECS operation shall not exceed 5 decibels greater than ambient noise levels as measured at any habitable structure.

*(Amended: Ordinance No. 1704-10, 04-04-17)*

5. Signs.

- a. No advertising signs or logos shall be permitted on the WECS.
- b. One (1) project identification sign, not to exceed twenty (25) square feet, shall be allowed.

6. Inoperable or Unsafe WECS/Site Reclamation

- a. Unsafe commercial WECS, inoperable commercial WECS, and commercial WECS for which the permit has expired shall be removed by the owner. All safety hazards created by the installment and operation of the WECS shall be eliminated and the site shall be restored to its natural condition to the extent feasible. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration.