

4. No temporary items, such as bales, may remain in the right of way past November 1st of each year, in accordance with § 13-31-56.
5. No trees or crops may be planted or remain in the right of way at any time.
6. No trees shall be planted in any drainage or utility easement.

Section 3:09. Concentrated Animal Feeding Operation Standards (500 to 999 Animal Units)

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources and the Planning & Zoning Office.
2. Prior to construction, such facilities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The storm water pollution prevention plan required by the permit must be developed and implemented upon the start of construction.
3. Animal Feeding Operation confinement and waste facilities shall comply with the following facility setback requirements:

a. Public wells	2,640 feet
b. Private wells	250 feet
c. Private wells (producers)	150 feet
d. Lakes, rivers, or streams classified as a drinking water supply	1,320 feet
e. Lakes, rivers, or streams classified as fisheries	500 feet
f. All public road right of ways	300 feet
g. Special Flood Hazard Area	Prohibited
h. All property lines delineating an ownership change	300 feet
4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification.
5. Animal feeding operation confinement and waste facilities shall be located no closer than one (1) mile from any incorporated municipality.
6. Animal feeding operation confinement and waste facilities shall be located no closer than one-quarter ($\frac{1}{4}$) mile from any church, commercially zoned area, or residential dwelling. One or more dwelling units are allowed on the facility site.

Residential dwellings associated with the animal feeding operation do not have to meet setback requirements.

7. The owner and/or operator of a proposed animal feeding operation or the owner and/or developer of proposed residential property may request a variance decreasing the separation distances required by this Article. Prior to approval of a variance in the agriculture district the owner(s) of all property within $\frac{1}{2}$ mile of the proposed animal feeding operation will be informed of the application by mail at least 10 days prior to any hearings.
8. Animal waste shall be transported in leak proof containers and all hauling equipment shall comply with Davison County load limits.
9. Animal waste generated outside of and transported to Davison County for the purpose of land application shall comply with manure application setbacks as prescribed in this section.
10. Animal feeding operations shall prepare a facility management plan to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis.
11. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is incorporated or injected:

a. Public wells	1,320 feet
b. Private wells	660 feet
c. Private wells (producers)	150 feet
d. Lakes, rivers, or streams classified as a drinking water supply	1,320 feet
e. Lakes, rivers or streams classified as fisheries	660 feet
f. All public road right-of-ways	0 feet
g. Special Flood Hazard Area	Prohibited
h. Incorporated or unincorporated communities	660 feet
i. A residence other than the operators	100 feet
j. All property lines delineating an ownership change	0 feet

12. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is irrigated or surface applied:

a. Public wells	1,320 feet
b. Private wells	660 feet
c. Private wells (producers)	150 feet
d. Lakes, rivers or streams classified as a drinking water supply	2,640 feet
e. Lakes, rivers or streams classified as fisheries	660 feet
f. All public road right-of-ways (surface)	100 feet
g. All public road right-of-ways (irrigated)	660 feet
h. Special Flood Hazard Area	Prohibited
i. Incorporated or unincorporated communities	2,640 feet
j. A residence other than the operators (surface)	330 feet
k. A residence other than the operators (irrigated)	660 feet
l. All property lines delineating an ownership change (surface)	100 feet
m. All property lines delineating an ownership change (irrigated)	200 feet

Section 3:10. Concentrated Animal Feeding Operation Standards (1000 Animal Units or more)

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources and the Planning & Zoning Office.
2. Prior to construction, such facilities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The storm water pollution prevention plan required by the permit must be developed and implemented upon the start of construction.
3. Animal Feeding Operation confinement and waste facilities shall comply with the following facility setback requirements:
 - a. Public wells 2,640 feet

- | | |
|--|------------|
| b. Private wells | 250 feet |
| c. Private wells (producers) | 150 feet |
| d. Lakes, rivers, or streams classified as a drinking water supply | 1,320 feet |
| e. Lakes, rivers, or streams classified as fisheries | 500 feet |
| f. All public road right of ways | 300 feet |
| g. Special Flood Hazard Area | Prohibited |
| h. All property lines delineating an ownership change | 300 feet |
4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification.
 5. Animal feeding operation confinement and waste facilities shall be located no closer than one (1) mile from any incorporated municipality.
 6. Animal feeding operation confinement and waste facilities shall be located no closer than one-half $\frac{1}{2}$ mile from any church, commercially zoned area, or residential dwelling. One or more dwelling units are allowed on the facility site. Residential dwellings associated with the animal feeding operation do not have to meet setback requirements.
 7. The owner and/or operator of a proposed animal feeding operation or the owner and/or developer of proposed residential property may request a variance decreasing the separation distances required by this Article. Prior to approval of a variance in the agriculture district the owner(s) of all property within $\frac{1}{2}$ mile of the proposed animal feeding operation will be informed of the application by mail at least 10 days prior to any hearings.
 8. Animal feeding operations shall prepare a facility management plan to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis.
 9. Animal waste shall be transported in leak proof containers and all hauling equipment shall comply with Davison County load limits.
 10. Animal waste generated outside of and transported to Davison County for the purpose of land application shall comply with manure application setbacks as prescribed in this section.

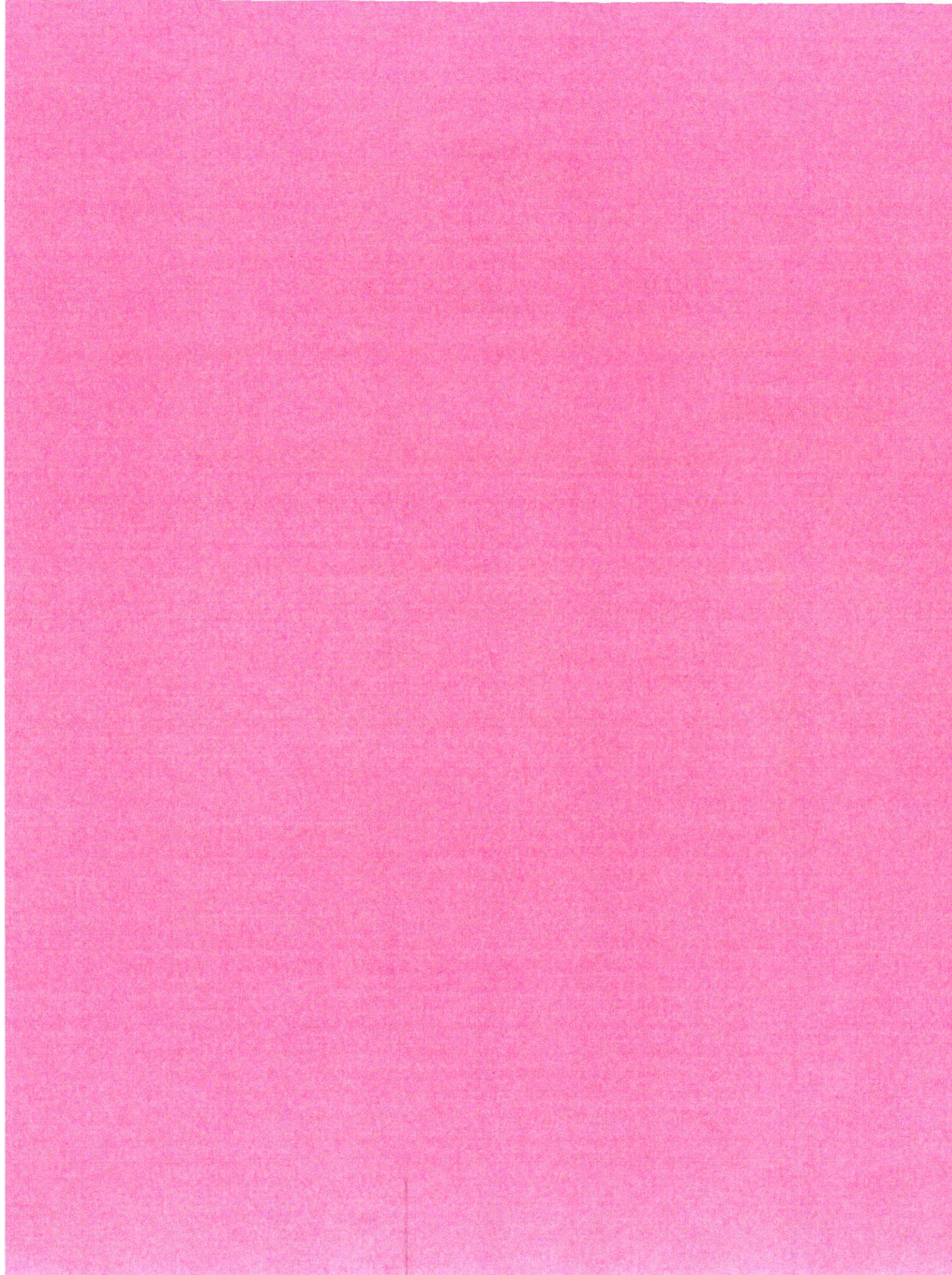
11. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is incorporated or injected:

a. Public wells	1,320 feet
b. Private wells	660 feet
c. Private wells (producers)	150 feet
d. Lakes, rivers, or streams classified as a drinking water supply	1,320 feet
e. Lakes, rivers or streams classified as fisheries	660 feet
f. All public road right-of-ways	0 feet
g. Special Flood Hazard Areas	Prohibited
h. Incorporated or unincorporated communities	660 feet
i. A residence other than the operators	100 feet
j. All property lines delineating an ownership change	0 feet

12. Manure generated from animal feeding operations shall comply with the following manure application setback requirements if the manure is irrigated or surface applied:

a. Public wells	1,320 feet
b. Private wells	660 feet
c. Private wells (producers)	150 feet
d. Lakes, rivers or streams classified as a drinking water supply	2,640 feet
e. Lakes, rivers or streams classified as fisheries	660 feet
f. All public road right-of-ways (surface)	100 feet
g. All public road right-of-ways (irrigated)	660 feet
h. Special Flood Hazard Areas	Prohibited
i. Incorporated or unincorporated communities	2,640 feet
j. A residence other than the operators (surface)	330 feet

- k. A residence other than the operators (irrigated) 660 feet
- l. All property lines delineating an ownership change (surface) 100 feet
- m. All property lines delineating an ownership change (irrigated) 200 feet



IN 100

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.

2. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.
3. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.
07. **ADULT MOTION PICTURE THEATER.** A commercial establishment in which, for any form of consideration, films, motion pictures, videocassettes, slides, or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.
08. **ADULT ORIENTED BUSINESS.** Any adult arcade, adult bookstore or video store, cabaret, adult live entertainment establishment, adult motion picture theater, adult theater, massage establishment that offers adult service, or nude model studios.
09. **ADULT SERVICE.** Dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.
10. **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.
11. **AGRICULTURE.** The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as concentrated animal feeding operations and agribusiness activities.
12. **AIRPORT.** A place where aircraft can land and takeoff, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers, including heliports.
13. **ANIMAL UNIT.** A unit of measurement based on the amount of waste produced by the animal. For the purposes of this ordinance animal units (AU) shall be calculated according to the following chart. Animal units relate to inventory rather than annual production. Animal units are computed by multiplying the number of head of a particular animal times the corresponding animal unit equivalent. Other animal species equivalent which are not listed will be based on species' waste production.

ANIMAL SPECIES	ANIMAL UNIT EQUIVALENT (AU/HEAD)
Feeder or Slaughter Cattle	1.0
Mature Dairy Cattle	1.4
Finisher Swine (over 55 lbs.)	0.4
Nursery Swine (less than 55 lbs.)	0.1
Farrow-to-Finish (sows)	3.7
Swine Production Unit (sows, breeding, gestating & farrowing)	0.47
Horses	2.0
Sheep	0.1
Turkeys	0.018
Laying Hens and Broilers (continuous overflow watering)	0.01
Laying Hens and Broilers (separate liquid handling system)	0.033
Ducks	0.2

14. **ANIMAL WASTE, INCORPORATED.** Animal waste applied to the land surface and mechanically mixed into the soil within 24 hours.
15. **ANIMAL WASTE, INJECTED.** Animal waste injected or tilled into the soil at the time of application.
16. **ANIMAL WASTE, SURFACE APPLIED.** Animal waste applied to the land surface without benefit of incorporation or injection. This shall not include the use of animal waste in irrigation waters.
17. **ANTENNA.** Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antenna such as whip-antenna.
18. **ANTENNA SUPPORT STRUCTURE.** Any existing structure that supports wireless communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples, and light poles.
19. **AQUIFER.** A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.
20. **AQUIFER, SHALLOW.** Any aquifer having the following characteristics:
 1. The aquifer is within fifty (50) feet or less below the land surface with fifteen (15) feet or less of continuous, overlying, extremely low permeability material, such as clayey till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability for purposes of this ordinance; or

2. The aquifer is greater than fifty (50) feet but less than one hundred feet (100) below the land surface with thirty (30) feet or less of continuous, overlying, low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.

21. **AQUIFER PROTECTION AREA.** A geographical area overlying a geologic formation, group of formations or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use. Any deposition of sand and gravel that is connected to water bearing strata or is not isolated.

AUTOMATIC OBSTRUCTION LIGHTING SYSTEM. A lighting system that provides continuous 360-degree surveillance of the airspace around a wind farm from the ground level to above aircraft flight altitudes, automatically activating obstruction lighting when aircraft are detected at a defined outer perimeter and course of travel.

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

22. **AUTOMOBILE SALES.** The use of any building, land area, or their premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.
23. **AUTOMOBILE SERVICE STATION.** Shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.
24. **AUTOMOBILE STORAGE YARD.** The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.
25. **BANNERS.** A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame secured or mounted so as to allow movement of the sign caused by movement of the atmosphere; i.e. pennants, twirling signs, balloons, or other gas-filled figures, ribbons, or other similar moving devices.
26. **BAR/LOUNGE.** An establishment that is licensed to sell alcoholic beverages, including beer, by the drink.
27. **BED AND BREAKFAST ESTABLISHMENT.** A private single-family residence which is used to provide limited meals and temporary accommodations for a charge to the public.
28. **BEST MANAGEMENT PRACTICES (BMP).** Schedules of activities, prohibitions of

41. **BUS/TRUCK TERMINAL.** An area and building where buses, trucks, and cargo are stored; where loading and unloading are carried on regularly; and where minor maintenance of these types of vehicles is performed.
42. **CAMOUFLAGE.** A covering or disguise of any kind to hide or conceal.
43. **CAMPGROUND.** A plot of ground consisting of two or more campsites where camping units can be located and occupied as temporary living quarters.
44. **CATHODIC PROTECTION.** A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell; protection of a tank through the application of either galvanic anodes or impressed current.
45. **CHANGE OF USE.** Substitution of one thing for another specifically regarding use of land or use of a building.
46. **CHEMIGATION.** The process of applying agricultural chemicals (fertilizers or pesticides) through an irrigation system by injecting chemicals into the water.
47. **CLASS V INJECTION WELL.** A conduit through which potentially contaminated but generally non-hazardous fluids can move from the land surface to the subsurface; the types of primary concern in Lincoln County are (1) commercial/industrial facility septic tanks used to dispose of more than domestic wastewater and (2) dry wells for repair/service bay drains at facilities servicing motorized vehicles/equipment.
48. **COMMERCIAL RECREATION FACILITY.** A recreation facility operated as a business and open to the public for a fee.
49. **CONCENTRATED ANIMAL FEEDING OPERATION.** A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated animal feeding operation is further defined as follows:
50. **CONCENTRATED ANIMAL FEEDING OPERATION - EXISTING.** A non-permitted operation of at least 200 animal units which existed on August 3, 1995.
51. **CONCENTRATED ANIMAL FEEDING OPERATION - NEW.** An operation which did not exist prior to August 3, 1995.
52. **CONTAINMENT FACILITY, PRIMARY.** The tank, pit, container, pipe, enclosure, or vessel of first containment of a regulated substance.

facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.

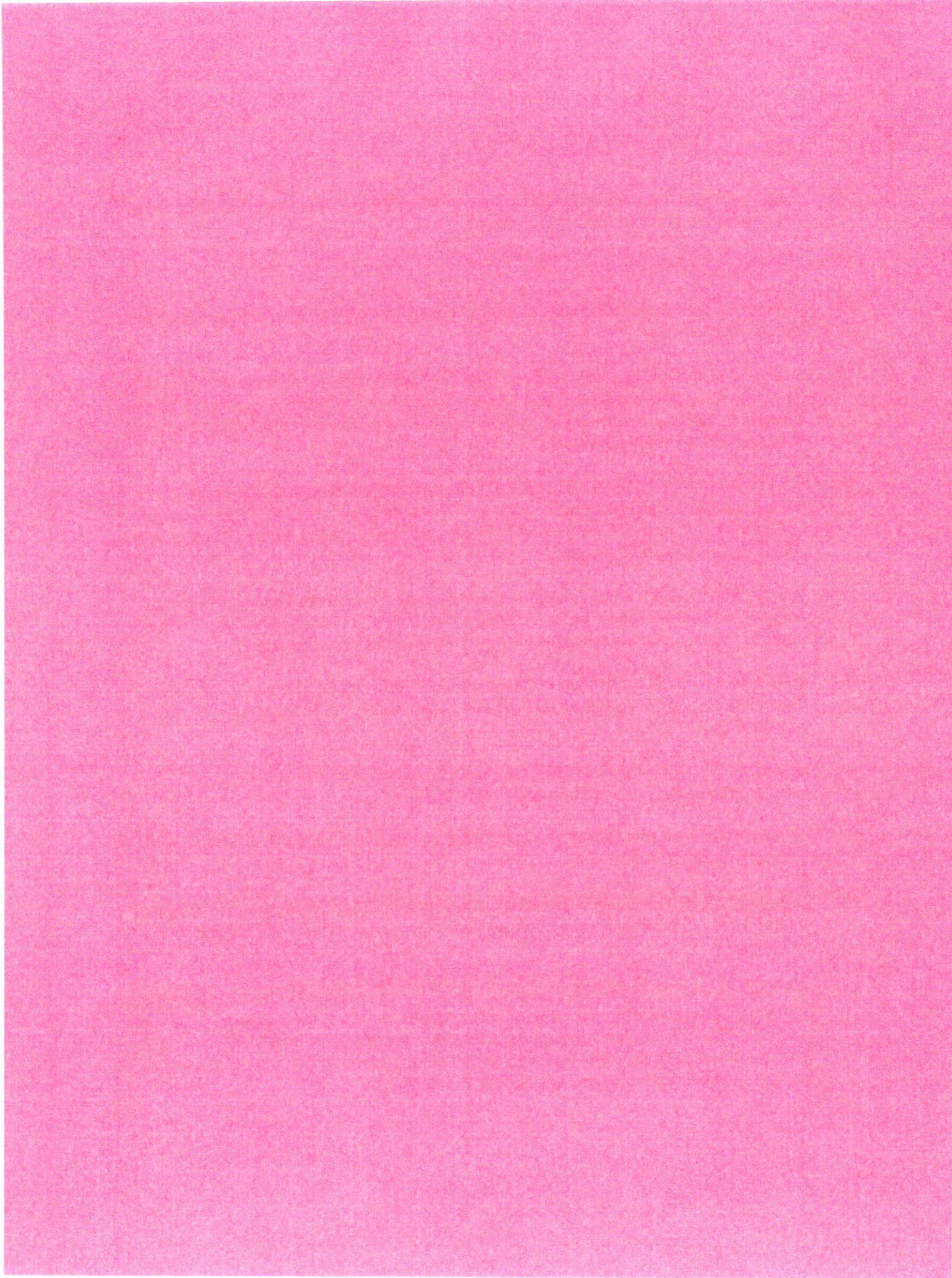
- 76. FACILITY. Something built, installed or established for a particular purpose.
- 77. FAMILY. One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three (3) adults who are unrelated by blood or law, in addition to persons actually related by blood or law the following persons shall be considered related by blood or law for the purposes of this ordinance: (1) A person residing with the family for the purpose of adoption; (2) Not more than six (6) persons under eighteen (18) years of age, residing in a foster home licensed or approved by a governmental agency; (3) Not more than four (4) persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.
- 78. FARMSTEAD. An area which existed on August 3, 1995 and encompasses a farm dwelling or dwellings and other agricultural buildings and structures devoted to and used in connection with a farming operation. A farmstead is generally bounded on one or more sides by a tree belt, is located on one or more quarter-quarter section parcels or equivalent area, and does not include crop land, hay land or pasture.
- 79. FLOOD INSURANCE RATE MAP (F.I.R.M.). An official map of Lincoln County on which the Federal Insurance Administration has delineated the areas of flood hazard and their potential for flooding.
- 80. FLOOD PLAIN. A land area adjoining a river, creek, watercourse or lake which is likely to be flooded and which is designated as Zone A, A0 or A1- A30 on the F.I.R.M.
- 81. FLOOD PROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water, and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- 82. FLOOR AREA. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.

107. LOT, INTERIOR. A lot other than a corner lot.
108. LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
109. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.
110. LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three feet to any residential lot line.
111. LOT LINE, SIDE. Any lot line other than a front or rear lot line.
112. LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a parcel of land the deed or agreement to convey to which was recorded in the office of said Register of Deeds prior to August 3, 1995.
113. LOT, WIDTH. The width of a lot at the front yard line.
114. MAIN BUILDING. See 'Principal Building'.
115. MAJOR STREET. Streets or roads which have been designated as freeways or arterial routes on the major street plan.
116. MANUFACTURING:
1. LIGHT MANUFACTURING. Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building.
 2. GENERAL MANUFACTURING. Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.
117. MANURE STORAGE AREA. An area for the containment of animal manure in excess of 8,000 pounds or 1,000 gallons.
118. MAP, OFFICIAL ZONING. The map or maps, which are legally adopted as a part of the zoning regulations that delineate the boundaries of the zoning districts.
119. MASSAGE ESTABLISHMENT. An establishment in which a person, firm, association, or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or

2. A Student must enroll at least three days in advance of a class in order to participate.
 3. No more than one nude or seminude model is on the premises at any time.
133. NUDE, NUDITY OR STATE OF NUDITY. Any of the following:
1. The appearance of a human anus, genitals, or a female breast below a point immediately above the top of the areola.
 2. A state of dress that fails to opaquely cover a human anus, genitals, or a female breast below a point immediately above the top of the areola.
134. OFFICE OF PLANNING AND ZONING. The office designated by the Board of County Commissioners to administer and enforce this ordinance.
135. OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material, merchandise, or vehicles shall not include items listed, nor be of a nature as indicated in the definition of a salvage or junkyard as defined herein.
136. PARKING SPACE. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street and permitting ingress and egress of an automobile.
137. PASTURE. A field that provides continuous forage to animals and where the concentration of animals is such that a vegetative cover is maintained during the growing season.
138. PERMISSIVE USES. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
139. PERMITTED SPECIAL USE. A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.
140. PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or their apparel. Including but not limited to: laundry or dry cleaning, garment services, coin operated laundry, photographic and art studios, beauty shop, barber shop, shoe repair, reducing salon and health club, and clothing rental.
141. PLACE OF WORSHIP. A structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features.

142. **PLANNING COMMISSION.** The Planning Commission appointed by the Board of County Commissioners, who shall regularly meet and make determinations or recommendations as provided for by this Ordinance.
143. **PLANNING DIRECTOR.** The individual appointed by the Board of County Commissioners and designated to administer and enforce the zoning ordinance.
144. **PORTABLE SIGN.** Any sign not permanently attached to the ground or building.
145. **PREMISES.** A lot, parcel, tract or plot of land together with all buildings and structures thereon.
146. **PRIMARY CONTAINMENT FACILITY.** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.
147. **PRINCIPAL BUILDING.** A building in which is conducted the primary or predominant use of the lot on which it is located.
148. **PRINCIPAL USE.** The primary or predominant use of any lot.
149. **PUBLIC UTILITY FACILITIES.** See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings that exceed 120 square feet in roof area are allowable.
150. **QUARTER-QUARTER SECTION.** A quarter of a quarter section as determined by the United States Rectangular Land Survey land survey system shall be considered a quarter-quarter section for purposes of these regulations. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.
151. **RECHARGE CAPACITY.** The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.
152. **REGULATED SUBSTANCE.** A regulated substance shall include: pesticides and fertilizers, hazardous and toxic substances designated by the EPA thru any of the following; Clean Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response Compensation and Liability Act; petroleum and petroleum substances, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, additives used in refining oils and gasoline. This term does not include sewage and sewage sludge.
153. **REM (ROENTGEN EQUIVALENT MAN).** A measurement of the biological effects resulting from ionizing radiant energy where roentgen is the amount of radiation leading to the absorption of 88 ergs of energy per gram of air.
154. **RESIDENCE.** A permanent dwelling place.

190. YARD. Reserved.
191. YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
192. YARD LINE. See (Building Line).
193. YARD, REAR. A yard extending the full width of the lot between a principal building and the rear lot line.
194. YARD, REQUIRED FRONT. The required front yard shall extend across the front of a lot between the property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required front yard may be referred to as the side-street-side front yard.
195. YARD, REQUIRED REAR. The required rear yard shall extend across the rear of a lot between the property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard.
196. YARD, REQUIRED. A required yard shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this ordinance.
197. YARD, REQUIRED SIDE. The required side yard shall extend between the required front yard line and the required rear yard line. There shall only be one required side yard on a corner lot.
198. YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
199. ZONE OF CONTRIBUTION. The entire area around a well or wellfield that contributes water to the well or wellfield.
200. ZONING DISTRICT. A specifically delineated area within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
201. ZONING PERMIT. A document signed by the Planning Director or an authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use or building complies with the provisions of the zoning regulations or an authorized variance therefrom.



ARTICLE 3.00
A-1 AGRICULTURAL DISTRICT

- SECTIONS: 3.01 Intent
3.02 Permissive Uses
3.03 Permitted Special Uses
3.04 Conditional Uses
3.05 Accessory Uses
3.06 Parking Regulations
3.07 Sign Regulations
3.08 Density, Area, Yard and Height Regulations

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. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
- 1) Ownership of contiguous parcel(s) of not less than forty (40) acres.
 - 2) The property's principal use is devoted to agriculture. *(amended by MC16-90-06 9/12/06)*

- (B). A single-family dwelling if the following provisions for building eligibility are met: *(amended by MC16-69-04 3/16/04)*

- 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 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.

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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 Minnehaha County Planning Commission.” *(amended MC16-83-06 5/16/06)*

- (C). Elementary or high school.
- (D). Historical sites.
- (E). Church.
- (F). Neighborhood utilities.
- (G). Antenna support structure. *(amended by MC16-65-03 10/21/03)*

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: *(amended by MC16-40-98)*

- (A). A building eligibility may be used within a farmstead provided: *(amended by MC16-69-04)*
 - 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. The residential structure may be a single-family dwelling, manufactured home or mobile home.
- (B). Cemetery provided there is an area of 20 acres or more.
- (C). Pet cemetery provided there is a minimum area of two acres.

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- (D). Wind energy conversion system in conformance with Article 12.02.
- (E). Off-premise signs in conformance with Article 17.00.
- (F). [Reserved.] *(amended by MC16-53-00 5/22/00)*
- (G). Greenhouses and nurseries provided there is no retail sale of products conducted on the premises.
- (H). A single-family dwelling located on a lot of record in accordance with the following: *(amended by MC16-69-04 03/16/04)*
- 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.
- (I). Concentrated Animal Feeding Operation (Class D) provided: *(amended by MC16-18-94, MC16-40-98, and MC16-150-17)*
- 1). The operation shall either be located in a farmstead, or shall be separated from a dwelling, church, school or business by a minimum distance of 660 feet, a public park by a minimum distance of 1320 feet and a municipality by a minimum distance of 2640 feet.
 - 2). The operation shall be separated from an existing or permitted CAFO by a minimum distance of 660 feet.
 - 3). The operation shall meet the minimum environmental separation requirements of Table 1 in Section 12.10 (F)(1) and manure application requirements of Section 12.10 (G).
 - 4). The operation shall not be in the Water Source Protection Overlay District or a floodplain.
 - 5). All CAFO structures, corrals, and manure containment facilities shall be setback a minimum of 50 feet from any property line.
 - 6). A Zoning Permit shall be obtained which indicates the location and type of Facility and the location and compliance of required setbacks.
- (J). Concentrated animal feeding operation (existing) shall be allowed to expand by provided: *(amended by MC16-40-98 and MC16-75-05 6/28/05 and MC16-89-06 8/19/06 and MC16-150)*
- 1). The operation is located in a farmstead or property contiguous to, and smaller than, the aforementioned farmstead.

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- 2). The operation shall not be located in the Water Source Protection Overlay District, over a mapped shallow aquifer area, or in a flood plain.
 - 3). The operation shall not exceed 1000 animal units either before or after the expansion.
 - 4). There is conformance with South Dakota Department of Environment and Natural Resources design standards for any newly constructed manure 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 manure management plan
 - 6). The operation shall meet the environmental setbacks of Table 1 in Section 12.10 (F).
 - 7). All manure shall be applied in accordance with Section 12.10 (G).
 - 8). The operation is not located within 2640 feet of a municipality.
- (K). Telecommunication and broadcast tower in conformance with Article 12.12.
(amended by MC16-53-00 5/22/00, MC16-55-01 3/20/01, MC16-65-03 10/21/03)
- (L). Agricultural Tourism in conformance with Section 12.13.
(amended by MC16-105-09 6/16/09)
- (M) Agricultural Workforce Housing provided:
- 1) The dwelling structure shall use one residential building eligibility.
 - 2) The agricultural employer must own the residential building eligibility.
 - 3) The dwelling structure shall only be occupied by the agricultural labor force.
 - 4) The dwelling structure shall house no more than 20 persons.
 - 5) When not occupied by the labor force, agricultural workforce housing may be used for any uses accessory to a primary agricultural use.
 - 6) The dwelling structure shall be removed or renovated into a single family dwelling when the agricultural operations cease.
(amended by MC16-127-13 3/19/13)
- (N). Aquaculture provided: *(amended by MC16-150-17)*
- 1). The operation produces less than 20,000 pounds of cold water fish (harvest weight) per year.
 - 2). The operation produces less than 100,000 pounds of warm water fish (harvest weight) per year.
 - 3). The operation shall meet the permit requirements in Section 12.16 (B).
 - 4). Approval by the Planning Director of an aquaculture waste management plan, which has been prepared in conformance with the South Dakota Department of Environment and Natural Resource standards.
 - 5). No retail sales of products produced at the facility is conducted on the premises.
 - 6). A Zoning Permit shall be obtained which indicates the location and type of Facility and the location and compliance of required setbacks.

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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 12.08.
- (B). Mineral exploration in conformance with Article 12.04.
- (C). Airport/heliport.
- (D). A single-family dwelling on a parcel which is not a lot of record provided:
 - 1). The deed to the land or the agreement to convey the parcel was recorded with the Register of Deeds prior to September 27, 1988.
 - 2). There are no other dwellings located on the parcel, except a parcel of 80 acres or more shall have building eligibility determined as follows:
 - a). The acreage of the parcel shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings on the parcel shall represent the building eligibility.
 - b). Each building site shall consist of a minimum of one acre.
 - 3). The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - 4). The soil conditions are acceptable for a building site.
 - 5). Approval has been granted by the appropriate governing entity for access onto a public road.
- (E). Group day care.
- (F). Private campground.
- (G). Garden center.
- (H). Kennel.
- (I). Stable.
- (J). Produce Stand exceeding 400 square feet in area. *(amended by MC16-105-09 6/16/09)*
- (K). Fireworks sales provided the length of sales does not exceed nine (9) days.
- (L). Golf course, golf driving range.
- (M). Recreation Facility. *(amended by MC16-105-09 6/16/09)*
- (N). Trap shoot, rifle range, pistol range.
- (O). Public facility owned and operated by a governmental entity.
- (P). Farmer's Market. *(amended by MC16-105-09 6/16/09)*
- (Q). Bed and breakfast establishment.
- (R). Sanitary landfill, solid waste transfer station, rubble dump, commercial compost site. *(amended by MC16-19-94)*
- (S). Sewage disposal pond.
- (T). Livestock sales barn.
- (U). New Class A, B or C Concentrated Animal Feeding Operation in accordance with Article 12.10. *(amended by MC16-40-98 and MC16-150-17)*
- (V). Electrical substation.
- (W). Public utility facility.
- (X). Agriculturally related operations involving the handling, storage and shipping of farm products.
- (Y). The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC16-69-04 3/16/04)*
 - 1). The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this section, same ownership means:

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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. *(amended 16-87-06 8/19/06)*

- 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.
- (Z). Manufactured home in conformance with Article 12.06(C) if there is building eligibility on the parcel.
- (AA). Major home occupation in conformance with Sections 12.0302 and 12.0303. *(amended by MC 16-53-00 5/22/00)*
- (BB). Facilities for the storage and distribution of anhydrous ammonia. *(amended by MC16-53-00 5/22/00)*
- (CC). Shooting/Hunting Preserve. *(amended by MC16-105-09 6/16/09)*
- (DD). Animal Livestock Shelter. *(amended by MC16-107-09 7/21/09)*
- (EE). Adaptive reuse. *(amended by MC16-111-10 9/19/10)*
- (FF). Solar energy conversion system in conformance with Article 12.15. *(amended by MC16-135-14 7/27/14)*
- (GG). Aquaculture that produces more than 20,000 pounds of cold water fish (harvest weight) per year or more than 100,000 pounds of warm water fish (harvest weight) per year in accordance with Article 12.16. *(amended by MC16-150-17)*

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'

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Rear yard 30'
Maximum height 35' ***

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

** 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 November 20, 1973, 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 12.00

ADDITIONAL USE REGULATIONS

(amended by MC16-161-19, MC16-168-20)

- SECTIONS:
- 12.01 Fences
 - 12.02 Wind Energy Conversion Systems
 - 12.03 Home Occupations
 - 12.04 Mineral Exploration and Development
 - 12.05 [Reserved]
 - 12.06 Mobile Homes/Manufactured Homes
 - 12.07 Accessory Building and Uses
 - 12.08 Rock, Sand and Gravel Extraction
 - 12.09 Adult Uses
 - 12.10 Concentrated Animal Feeding Operations
 - 12.11 Temporary Uses
 - 12.12 Telecommunications Towers, Antenna Support Structures and Broadcast Towers
 - 12.13 Agricultural Tourism
 - 12.14 Vehicle Equipment and Restrictions
 - 12.15 Solar Energy Conversion System

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.

EXCEPTION: Fences up to six feet in height may be placed in the side-street-side front yard where:

- (1). The side-street-side front yard abuts an arterial street shown on the major street plan.
- (2). The side-street-side front yard is not adjacent to a side yard.
- (3). The fence is located no closer to the front yard than the rear wall of the main building.

12.02 WIND ENERGY CONVERSION SYSTEMS. The regulations regarding Wind Energy Conversion Systems (WECS) shall be as follows: (amended MC16-94-07 MC16-110-10 6-28-10)

(A). Intent

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- A. None of the following uses may be established, operated, or maintained within five hundred (500) feet of a residential dwelling, a residential district, a church, a school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public park, as measured from the closest point of the property lines.
1. Adult bookstore
 2. Adult theater
 3. Adult photo studio
 4. Adult mini motion picture theater
 5. Adult amusement or entertainment establishment

(amended by 16-40-98)

12.10 CONCENTRATED ANIMAL FEEDING OPERATIONS *(amended by MC16-150-17)*

(A). Intent.

The raising of livestock is a regular and normal function of agriculture. It is the intent of this section to provide for viable livestock production within agriculturally zoned areas of Minnehaha County, protect ground and surface waters, and ensure that concentrated animal feeding operations are properly sited, maintained, and managed.

(B). Water Source Protection Areas and Floodplains.

A concentrated animal feeding operation – new shall not be permitted in the Water Source Protection Overlay District or within a floodplain.

(C). Application Procedures and Requirements. *(amended by MC16-84-06)*

Prior to application submittal the operator of the proposed facility shall meet with the Planning Director to discuss application requirements.

The conditional use application shall be accompanied, at a minimum, by the following information.

- (1). A description of the type of concentrated animal feeding operation and the number of animals proposed for the facility.
- (2). A site plan of the proposed facility including:
 - (a). The location of all existing and proposed structures, including manure containment facilities and confinement buildings and corrals. All new structures and corrals shall be located a minimum of 50 feet from any property line.
 - (b). A grading plan designed to minimize contamination of stormwater runoff from manure containment facilities or animal pens.
 - (c). All required site plan elements for a Conditional Use Permit as listed in Section 19.04.

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- (3). A dead animal disposal plan which complies with South Dakota Animal Industry Board requirements. Temporary dead animal storage or disposal sites shall be screened or located out of site from neighboring dwellings and the adjacent right-of-way.
- (4). A manure management plan including the following information:
 - (a). Location and description of the manure containment facilities and structures.
 - (b). Description of type of manure and method of storage.
 - (c). Description of the proposed method and schedule for manure application.
- (5). Any applicable waivers for land use setback reduction as described in Section 12.10 (F). 2.

(D). [Reserved]

(E). Conditional Use Permit Requirements. (amended MC16-84-06)

A concentrated animal feeding operation which is granted a conditional use permit shall, at a minimum, meet the following requirements:

- (1). General Permit Requirement. A state general permit is required if any of the following situations are met.
 - (a). A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - (b). A general permit is required by Minnehaha County as a condition of approval.
 - (c). When the site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources *First Occurrence of Aquifer Materials in Minnehaha County, SD*
 - (d). A Class C CAFO is proposed to be located within 1,320 feet from an operating or permitted Class C CAFO or larger.
- (2). General Permit Record Keeping. When a state general permit is required, the operator shall maintain and have available the following records.
 - (a). The operator shall file copies of all state-approved construction plans with Planning and Zoning Department prior to the issuance of a building permit.
 - (b). The operator shall maintain all records required by the DENR including annual renewal forms. Copies shall be provided to the County upon request.
- (3). Construction Documents. The following documents are required, when applicable, before a building permit can be acquired. (amended MC16-157-18)
 - (a). Structures. Any newly constructed structure that is greater than 60 feet wide must be designed by a professional engineer. A copy of the certified plans must be provided to the Planning Department.
 - (b). Manure Containment Facilities. Any newly constructed manure containment facility must conform to South Dakota Department of Environment and Natural Resources design standards. A registered

**ADDITIONAL USE
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professional engineer shall certify the plan specifications and inspect the construction of the facility. A copy of the certified plans must be provided to the Planning Department.

(F). Separation Requirements and Criteria for Concentrated Animal Feeding Operations.

- (1). Environmental Setbacks. A concentrated animal feeding operation shall comply with the minimum environmental separation requirements in Table 1.

Table 1 Concentrated Animal Feeding Operations Minimum Environmental Separation Requirements				
	Class A	Class B	Class C	Class D
Public Water Supplies	1,000 feet	1,000 feet	1000 feet	500 feet
Private Wells (other than owner's or operator's)	250 feet	250 feet	250 feet	250 feet
Private Wells (owner's or operator's)	150 feet	150 feet	150 feet	150 feet
Lakes, Rivers and Streams Classified as Fisheries	500 feet	200 feet	200 feet	200 feet
Intermittent Streams or waterways	100 feet	100 feet	100 feet	100 feet

- (2). Land Use Setbacks. The minimum separation criteria in Table 2 shall be used in siting a concentrated animal feeding operation. The minimum separation criteria may be increased based on site specific conditions. When a proposed operation does not meet the minimum separation criteria, the following alternatives may apply. (amended by MC16-157-18)

(a). Setback Reduction for Dwellings and Businesses.

1. A signed waiver from each landowner who owns land with a dwelling or business located closer than the minimum separation criteria.
2. In the absence of a waiver, the required setback may be reduced up to 50% if all of the following requirements are met:
 - i. The applicant must plant a shelter belt of trees between the proposed CAFO and the affected residence or business without a waiver.
 - ii. The shelterbelt must run the entire length of the footprint of the CAFO, and it must include a minimum of five rows of trees and consisting of both evergreen and deciduous species. Existing Trees may be considered towards meeting this requirement.
 - iii. The shelterbelt must be designed to provide a visual barrier and assist in the reduction of odor by the

ADDITIONAL USE REGULATIONS

Minnehaha Conservation District or a Professional Landscape Architect.

iv.

The shelter belt shall be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.

(b). **Setback Reduction for Municipalities.**

1. A waiver from the minimum setback requirements may be obtained in the form of a signed resolution from the affected municipality's elected body.

<p style="text-align: center;">Table 2 Concentrated Animal Feeding Operations Minimum Separation Criteria</p>			
	Class A	Class B	Class C
Dwellings, Churches, and Businesses	3,960 ft (3/4 Mile)	1,980 ft (3/8 Mile)	1,320 ft (1/4 Mile)
Public Parks and Schools	5,280 ft (1 Mile)	2,640 ft (1/2 Mile)	1,980 ft (3/8 Mile)
Municipal Boundaries By the Following Municipal Classifications as of the most recent Census Data			
First Class (Population of 5,000 and more)	13,200 ft (2 & 1/2 Miles)	7,920 ft (1 & 1/2 Mile)	5,280 ft (1 Mile)
Second Class (Population between 500 and 5,000)	7,920 ft (1 & 1/2 Mile)	5,280 ft (1 Mile)	3,960 ft (3/4 Mile)
Third Class (Population Less than 500)	5,280 ft (1 Mile)	3,960 ft (3/4 Mile)	2,640 ft (1/2 Mile)

(G). **Manure Application Requirements.**

- (1). The minimum separation requirements in Table 3 shall apply to the application of manure from a concentrated animal feeding operation.

<p style="text-align: center;">Table 3 Manure Application Sites Minimum Separation Requirements</p>		
	Manure, Surface Applied	Manure, Incorporated or Injected
Lakes, Rivers and Streams Classified as Fisheries	300 feet	100 feet (lake) 50 feet (river or stream)
Rivers, Streams and Lakes Classified as Drinking Water Supplies	1,000 feet	300 feet
Intermittent Stream or Waterway	200 feet	50 feet
Public Wells	1,000 feet	1,000 feet
Private Wells	250 feet	250 feet
Residence (other than operator)	300 feet (surface)	50 feet
Municipalities	1,000 feet	300 feet

ADDITIONAL USE REGULATIONS

(2). Liquid Manure Application.

- (a). The accumulation of manure or bedding in a location other than where it is generated is prohibited unless approved through a combination of conditional use permit and state general permit.
- (b). All liquid manure shall be injected to provide for better agronomic benefits and to reduce the potential for runoff and minimize odor. Liquid manure may be surface applied if approved by the State DENR as part of a nutrient management plan or for emergency discharge. Documentation of state approval shall be maintained by the CAFO operator and be available upon request by the Planning Department.
- (c). The Planning Director may approve surface application of livestock production surplus water upon receiving an application from the producer that is approved by a certified crop consultant or registered engineer. Such application shall include:
 - 1. The results of tests on the livestock production surplus water proposed for surface application which shows the percentage of solids and the amount of N (nitrogen) per 1000 gallons of water.
 - 2. The amount of livestock production surplus water to be applied.
 - 3. A map showing the areas on which the producer proposes to surface apply the livestock production surplus water including soil types, slopes, and the required separations from natural features or adjoining land uses.
 - 4. The separation requirements in Table 3, Section 12.10 (G) shall be met.

(3). Other Than Liquid Manure Application.

- (a). The accumulation of manure or bedding in a location other than where it is generated is prohibited unless approved through a combination of conditional use permit and state general permit.
- (b). Manure may not be spread thicker than 3 inches on tillable soil and 1 inch on frozen soil.
- (c). Manure may not be spread on a slope greater than 6% without incorporation.

12.11 TEMPORARY USES

(A). Intent.

The requirements of this section are intended to provide for the regulation and permitting of uses and associated improvements on private property which are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, including public rights-of-way.

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- 13B. Reserved. *(amended by MC16-161-19)*
- 14A. AGRICULTURAL TOURISM SPECIAL EVENT. An activity, involving more than 100 people, that is desirable but unrelated to agriculture, which is held on active, agriculturally productive land in conjunction with agricultural tourism. Special events are open to the public and include festivals, craft shows, and other similar events. Music festivals and/or outdoor concerts are not special events and require temporary use permit approval. *(amended by MC16-144-15 12/1/15)*
- 14B. AGRICULTURAL TOURISM PRIVATE EVENT. Events not related to the operational and marketing aspects of the agricultural tourism use, such as weddings, receptions, and meetings/retreats, and which are not open to the public. The maximum number of participants that shall be allowed by the Planning Director shall not exceed 250. *(amended by MC16-144-15 12/1/15)*
- 14C. AGRICULTURAL EMPLOYER. Means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. *(amended by MC16-127-13 3/19/13)*
- 14D. AGRICULTURAL WORKER, MIGRANT OR SEASONAL. As defined by the U.S. Department of Labor. *(amended by MC16-127-13 3/19/13)*
15. AIRPORT. A place where aircraft can land and takeoff, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including heliports.
18. ANIMAL LIVESTOCK SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of livestock. Livestock does not include exotic animals or household pets as defined by Ordinance MC29-02 the 2002 Minnehaha County Animal Control Ordinance.
19. ANIMAL SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of animals. *(amended by MC16-81-06)*
20. ANIMAL UNIT. A unit of measurement based on the amount of manure produced by the animal. For the purposes of this ordinance animal units (AU) shall be calculated according to the following chart. Animal units relate to inventory rather than annual production. Animal units are computed by multiplying the number of head of a particular animal times the corresponding animal unit equivalent. Other animal species equivalent which are not listed will be based on species' manure production. *(amended by MC16-40-98 and MC16-150-17)*

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ANIMAL SPECIES	ANIMAL UNIT EQUIVALENT (AU/HEAD)
Feeder or Slaughter Cattle	1.0
Mature Dairy Cattle	1.4
Finisher Swine (over 55 lbs.)	0.4
Nursery Swine (less than 55 lbs.)	0.1
Farrow-to-Finish (sows)	3.7
Swine Production Unit (sows, breeding, gestating and farrowing)	0.47
Horses	2.0
Sheep	0.1
Turkeys	0.018
Laying Hens and Broilers (liquid manure handling system)	0.033
Chickens, other than laying hens (other than liquid manure handling system)	0.008
Laying Hens (other than liquid manure handling system)	0.012
Ducks (liquid manure handling system)	0.2
Ducks (other than liquid manure handling system)	0.033

21. [Reserved] *(amended by MC16-150-17)*
22. [Reserved] *(amended by MC16-150-17)*
23. [Reserved] *(amended by MC16-150-17)*
- 24A. **ANTENNA.** Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals. *(amended by MC16-65-03)*
- 24B. **ANTENNA SUPPORT STRUCTURE.** Any existing structure that supports communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles. *(amended by MC16- 65-03)*
- 25A. **AQUACULTURE.** The farming or culture of food fish, shell fish, or other aquatic plants or animals and may require development such as fish hatcheries, rearing pens, and structures and shellfish rafts, as well as use of natural spawning and rearing areas. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility if it grows, contains, or holds aquatic animals in either

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85. BUILDING. Any structure, either temporary or permanent, forming an open, partially enclosed, or enclosed space constructed by a planned process of materials and components to be designated and used for the shelter or enclosure of any person animal or property of any kind. For the purpose of these regulations, retaining walls, concrete slabs, utility poles and fences are not considered structures. *(amended by MC16-73-05)*
90. BUILDING, DETACHED. A building surrounded by open space on the same lot.
95. BUILDING ELIGIBILITY. See 'eligible building site'.
100. BUILDING, HEIGHT OF. The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.
105. BUILDING LINE. Is a line on the lot running parallel to and the required horizontal distance from the nearest property line.
110. BUILDING, PRINCIPAL. A nonaccessory building in which is conducted the principal use of the lot on which it is located.
115. BUS/TRUCK TERMINAL. An area and building where buses, trucks, and cargo are stored; where loading and unloading are carried on regularly; and where minor maintenance of these types of vehicles is performed.
120. CAMPGROUND. A plot of ground consisting of two or more campsites where camping units can be located and occupied as temporary living quarters.
125. CATHODIC PROTECTION. A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell; protection of a tank through the application of either galvanic anodes or impressed current.
130. CHANGE OF USE. Substitution of one thing for another specifically regarding use of land or use of a building.
133. CO-LOCATION. The siting of multiple antennas on the same structure, monopole, lattice tower or specialty pole. *(amended by MC16-65-03)*
135. COMMERCIAL RECREATION FACILITY. A recreation facility operated as a business and open to the public for a fee. *(amended by MC16-40-98)*
137. CONCENTRATED ANIMAL FEEDING OPERATION. A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated

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animal feeding operation is further divided into the following classes: (amended by MC16-150-17)

ANIMAL UNITS

- Class A 2,000 or more
- Class B 1,000 to 1,999
- Class C 250 to 999
- Class D 50 to 249

138. CONCENTRATED ANIMAL FEEDING OPERATION - EXISTING. An operation of at least 50 animal units which existed on May 26, 1998.
139. [Reserved] (amended by MC16-150-17)
140. CONTAINMENT FACILITY, PRIMARY. The tank, pit, container, pipe, enclosure, or vessel of first containment of a regulated substance.
145. CONTAINMENT FACILITY, SECONDARY. A second level of containment outside the primary containment facility designed to prevent a regulated substance from reaching land or waters outside the containment area.
150. COMPREHENSIVE PLAN. The adopted long-range plan intended to guide the growth and development of the area, including analysis, recommendations and proposals of economy, housing, transportation, community facilities, and land use.
155. CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled, would promote the public health, safety and welfare.
160. CONTAMINATION, AIR. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that increases ambient air radiation levels by 50 mrem from the background levels established prior to the commencement of such activity, measured at the perimeter of the mining or milling site or at the top of an exploration hole.
165. CONTAMINATION, WATER. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.
170. CONTRACTOR'S SHOP AND STORAGE YARD. Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and repair work, generally completed at some other on-site location.

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235. **ELIGIBLE BUILDING SITE (BUILDING ELIGIBILITY).** A site which fulfills the requirements for the construction or placement of a residential dwelling or manufactured home. To compute the number of eligible building sites on a lot of record of forty acres or more, the total acreage of the parcel shall be divided by forty acres. The resulting whole number is the number of building sites eligible on the lot of record.
240. **EXPLORATION.** The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.
245. [Reserved.] (amended by MC16-65-03)
250. **FAMILY.** One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three (3) adults who are unrelated by blood or law, in addition to persons actually related by blood or law the following persons shall be considered related by blood or law for the purposes of this ordinance: (1) A person residing with the family for the purpose of adoption; (2) Not more than six (6) persons under eighteen (18) years of age, residing in a foster home licensed or approved by a governmental agency; (3) Not more than four (4) persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.
255. [Reserved.] (amended by MC16-40-98)
257. **FARMER'S MARKET.** An area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products. (amended by MC16-105-09 6/16/09)
260. **FARMSTEAD.** An area which encompasses a farm dwelling or dwellings and other agricultural buildings and structures devoted to and used in connection with a farming operation. A farmstead is generally bounded on one or more sides by a tree belt, is located on one or more quarter- quarter section parcels or equivalent

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340. HYDROLOGIC REGIME. The entire state of water movement in a given area which is a function of the climate and includes the entire water cycle for the drainage area.
- (Intersection Safety Zone see #679)
342. JOINT ZONING JURISDICTION. The area outside a municipality where the Board of County Commissioners has granted to the municipality joint zoning powers with the County. *(amended by MC16-65-03)*
345. KENNEL. Any premise or portion thereon where dogs, cats, or other household pets are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.
347. [Reserved.] *(amended by MC16-18-94 and MC16-40-98)*
348. LIVESTOCK PRODUCTION SURPLUS WATER. That waste water resulting from an animal feeding operation which does not contain more than 2 percent solids nor more than 1 pound of nitrogen as N per 1000 gallons of water. Such water may include, but not be limited to, rain or snowmelt water from open feeding lots, wash water from a dairy operation, or flush water from a confined feeding operation. *(amended by MC16-40-98)*
350. LOADING SPACE. A space within the main building or on the same lot for the standing, loading, or unloading of trucks.
355. LOT. A parcel or tract of land having specific boundaries and which has been recorded in the Register of Deeds office. A lot used for residential purposes shall include only one main building together with its accessory buildings, open spaces and parking spaces required by these regulations and shall have its principal frontage upon a road or other approved access.
360. LOT AREA. The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines. Public right-of-way shall not be considered part of the lot area.
365. LOT, CORNER. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
370. LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
375. LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
380. LOT, FRONTAGE. The length of the front lot line measured at the street right-of-way line.

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385. LOT, INTERIOR. A lot other than a corner lot.
390. LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
395. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.
400. LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three feet to any residential lot line.
405. LOT LINE, SIDE. Any lot line other than a front or rear lot line.
410. LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a parcel of land the deed or agreement to convey to which was recorded in the office of said Register of Deeds prior to July 10, 1979.
415. LOT, WIDTH. The width of a lot at the front yard line.
420. MAIN BUILDING. See 'Principal Building'.
425. MAJOR STREET. Streets or roads which have been designated as freeways or arterial routes on the major street plan.
430. MANUFACTURING:
1). LIGHT MANUFACTURING. Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building.
2). GENERAL MANUFACTURING. Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.
- 432A. MANURE. Manure, bedding, compose and raw materials or other materials commingled with manure or set aside for disposal. *(amended by MC16-150-17)*
- 432B. MANURE APPLICATION. The application of manure, litter, or production surplus water onto or incorporated into the soil for the purpose of supplying nutrients for crop or pasture land. *_(amended by MC16-150-17)*
- 432C. MANURE APPLICATION, INCORPORATED. Manure applied to the land surface and mechanically mixed into the soil within 24 hours. *(amended by MC16-150-17)*

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- 432D. MANURE APPLICATION, INJECTED. Manure injected or tilled into the soil at the time of application. (amended by MC16-150-17)
- 432E. MANURE APPLICATION, SURFACE APPLIED. Manure applied to the land surface without benefit of incorporation or injection. This shall not include the use of animal waste in irrigation waters. (amended by MC16-150-17)
- 432F. MANURE CONTAINMENT FACILITY. Any structure or facility utilized for the storage or processing of animal manure. (amended by MC16-150-17)
- 432G. MANURE, LIQUID. A method of handling manure where greater than 90 percent of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. (amended by MC16-150-17)
435. MAP, OFFICIAL ZONING. The map or maps, which are legally adopted as a part of the zoning regulations that delineate the boundaries of the zoning districts.
440. MILLING. The processing or enhancing of a mineral.
445. MINE DEWATERING DISCHARGE. Water that has been discharged from active or abandoned mines in areas affected by mineral exploration, mining and milling.
450. MINERAL. An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of these regulations, this definition does not include surface or subsurface water, geothermal resources, or sand, gravel and quarry rock.
455. MINERAL EXTRACTION. The removal of a mineral from its natural occurrence on affected land. The term includes, but is not limited to, underground and surface mining.
460. MOBILE HOME/MANUFACTURED HOME. Any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.
465. MOBILE HOME PARK. A parcel or tract of land designed and maintained for the purpose of providing a location for mobile homes and manufactured homes as living quarters and where private roads provide access to individual lots. This definition shall specifically exclude sales lots for mobile homes, manufactured homes, travel trailers and similar operations.
470. MOTOR VEHICLE REPAIR SHOP. Any building or structure in which a business, service or industry involving the maintenance, servicing or repair of

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520. PERMITTED SPECIAL USE. A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.
525. PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or their apparel. Including but not limited to: laundry or dry cleaning, garment services, coin operated laundry, photographic and art studios, beauty shop, barber shop, shoe repair, reducing salon and health club, and clothing rental.
530. PLANNING COMMISSION. The duly appointed planning board of the County responsible for reviewing and approving applications for development and preparation of plans and ordinances.
535. PLANNING DIRECTOR. The individual appointed by the Board of County Commissioners and designated to administer and enforce the zoning ordinance.
540. Reserved. (*amended by MC16-161-19*)
545. PREMISES. A lot, parcel, tract or plot of land together with all buildings and structures thereon.
550. PRINCIPAL BUILDING. A building in which is conducted the primary or predominant use of the lot on which it is located.
555. PRINCIPAL USE. The primary or predominant use of any lot.
558. PRODUCE STAND. A produce stand is defined as a temporary or permanent structure used for the display and sale of agricultural products, not to include retail nursery operations. (*amended by MC16-105-09 6/16/09*)
560. PUBLIC UTILITY FACILITIES. See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings that exceed 120 square feet in roof area are allowable.
565. QUARTER-QUARTER SECTION. A quarter of a quarter section as determined by the United States Rectangular Land Survey land survey system shall be considered a quarter-quarter section for purposes of these regulations. For purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.
570. RECHARGE CAPACITY. The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.
572. RECREATION FACILITY. A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures.

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640. STORY. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
645. STREET. A public right-of-way which affords the principal means of access to abutting property. Also referred to a road or highway.
650. STREET LINE. The line between the public right-of-way and private property.
655. STRUCTURE. A combination of material(s) constructed, erected or placed on, above or below the surface of land or water for use, occupancy or ornamentation. For the purpose of these regulations, retaining walls, concrete slabs and utility poles are not considered structures. (amended by MC16-85-06)
660. SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building developments (whether immediate or future). This term includes resubdivision and, when appropriate to the context, is related to the process of subdividing or to the land subdivided.
665. SURFACE IMPOUNDMENT. A facility, or part of a facility which is a natural topographic depression, man-made excavation, or dike area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.
- 667A. TOWER, BROADCAST. A structure, not including offices or studio, for the transmission or broadcast of radio, television, radar, or microwaves. (amended by MC16-65-03)
- 667B. TOWER, GUYED LATTICE. A vertical support structure consisting of a network of crossed metal braces forming a tower which may be three, four, or more sided, requiring support cables or guyed wires. Typically the structure is the same width from bottom to top. (amended by MC16-65-03)
- 667C. TOWER, HEIGHT. The vertical distance above grade to the highest point of the tower, including the base pad and any antenna. (amended by MC16-65-03)
- 667D. TOWER, MONOPOLE. A vertical support structure consisting of single vertical metal, concrete or wooden pole, pipe, tube or cylindrical structure, typically polygon, round or square, and planted into the ground or mounted upon or attached to a foundation. (amended by MC16-65-03)
- 667E. TOWER, SELF SUPPORT LATTICE. A vertical support structure consisting of a network of crossed metal braces forming a tower which may be three, four, or more sided. Typically constructed with a wide base which gradually narrows toward the top. (amended by MC16-65-03)