

## **ARTICLE 4**

*Sections 4-101 to 4-109, inclusive. Agricultural District "A" - general provisions.*

### **Section 4-101. Legal boundary descriptions for Agricultural District A.**

All property in rural Hughes County not otherwise zoned.

### **Section 4-102. Statement of purpose for Agriculture District A.**

Agriculture District A is designed to preserve agricultural lands from encroachment of incompatible uses and to conserve agricultural resources.

Agricultural use of land becomes a non-conforming use when the land is zoned for other purposes. This ordinance intends that such non-conforming use be allowed to continue, if continuous. The fact that an agricultural use exists and will be allowed to continue to exist if continuous should be considered by other uses moving into an area.

**Source:** Ord. No. 98-19, 1998.

### **Section 4-103. Principal Permitted Uses.**

The following uses are permitted as the principal use of any parcel of property in the Agriculture District A, except for uses excluded when located in Airport Noise Zone A.

1. Uses directly relating to agriculture, as defined in Chapter 1, including horticulture, raising of field crops, animal husbandry, poultry raising, and kennels.
2. Single-family residential structures including conventional homes, manufactured homes, and mobile homes.
3. Normal farm and ranch structures.
4. Outdoor-type recreational enterprises which utilize land resources in their natural state.
5. Veterinary clinics.
6. Public facilities necessary for the provision of transportation, communications, water, sewerage, electricity, and natural gas.
7. Historical sites.

8. Greenhouses and nurseries, provided there is no retail sale of products conducted on the premises.
9. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers in conformance with Section 2-103.
10. Small Wind Energy Conversion Systems (SWECS) in conformance with Section 2-117.
11. Aquaculture operations producing up to 20,000 pounds (harvest weight) of cold water fish per year or up to 100,000 pounds (harvest weight) of warm water fish annually. Performance Standards shall be in accordance with this Section and Section 2-118.
12. Shelterbelts.
13. County-operated gravel pits established at the direction of the Board of County Commissioners.

**Source:** Ord. No. 98-19, 1998; Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-02, 2009; Ord. No. 2009-05, 2009.

#### **Section 4-104. Accessory uses.**

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District A.

1. Living quarters for persons regularly employed on premises, but not including labor camps or transient labor..
2. Roadside stands for the sale of produce grown on the premises.
3. Home occupations as defined in Chapter 1.
4. Accessory uses common to all residential districts as identified in Chapter 5.
5. Reserved.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-04, 2009.

#### **Section 4-105. Conditional uses.**

The following uses are permitted in the Agricultural District A after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county:

1. Concentrated Animal Feeding Operations of Class A, B or C. Application and Performance Standards per Section 2-118.
2. Quarters for transient labor.
3. Bituminous hot mix plants, concrete batch plants.
4. Cemetery, crematories, mausoleums.
5. Sanitary landfills.
6. Commercial agricultural processing plants.
7. Game Lodges, Shooting Preserves, Sporting Clays, Rooming Houses, and similar temporary lodging facilities.
8. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers.
9. Wind Energy Conversion Systems (WECS).
10. Aquaculture operations producing over 20,000 pounds (harvest weight) of cold water fish per year or over 100,000 pounds (harvest weight) of warm water fish annually. Application and Performance Standards shall be in accordance with Section 2-118.
11. Race tracks or courses.
12. Outdoor theaters.
13. Golf courses, country clubs, golf driving ranges, riding academies, dude ranches, and other farm and ranch type recreational activities.
14. Sand, gravel, and other mineral extraction or mining operations including transfer of existing operations to a different entity.

**Source:** Ord. No. 98-19, 1998; Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-03, 2009; Ord. No. 2009-05, 2009.

**Section 4-106. Reserved.**

## **Section 4-107. Reserved.**

## **Section 4-108. Space limitations.**

The following space limitations shall apply to structures and buildings associated with each principal permitted use, each conditional use and accessory use, except fences and signs:

### **Required Lot Area**

1. Not less than thirty-five (35) acres.

Exception: The Board of Adjustment may consider granting a Variance to this requirement to permit platting of a Lot of less than 35 acres, but of a minimum of one (1) acre, in size for residential purposes upon finding that creation of such a platted Lot will permit the perpetuation of a family farm operation and will be in accord with the purpose and intent of this zoning district. In making its determination, the Board may consider elements such as the multi-generational nature of the operation, the size of the operation, the familial relationship of the parties involved, any affidavit provided testifying to the need for creation of the Lot, or other elements the Board believes to be germane.

### **Yards Required**

1. Minimum front yard (setback): Fifty (50) feet measured from the property line or right-of-ways (if adjacent to public road).
2. Minimum rear yard setback: Fifty (50) feet measured from the property line or right-of-ways (if adjacent to public road).
3. Minimum side yard space: Twenty-five (25) feet from the property line or right-of-ways (if adjacent to public road).
4. Minimum setbacks from State Highway 14, 83, 34 & 1804 right-of-ways shall be seventy-five (75) feet for all residential structures.
5. A recorded plat or land survey of property less than thirty-five (35) acres is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.
6. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

**Source:** Ord. No. 98-19, 1998; Ord. No. 2003-7, 2001; Ord. No. 2007-08, 2007; Ord. No. 2008-01, 2008; Ord. No. 2009-01, 2009.

#### **Section 4-109. Performance standards.**

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Concentrated Animal Feeding Operations shall comply with Performance Standards stated at Section 2-118. Other areas in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months or age, shall not be closer than three hundred thirty (330) feet from any lot line adjoining properties which are used for residential, business, or industrial or recreational purposes. (This paragraph does not intend to discriminate against the above agricultural uses existing prior to the zoning for other purposes.)
2. Feedlots and corrals shall maintain drainage so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into watercourses in such manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Adequate fly spray shall be applied to all corral areas during fly season and more often if necessary to control the fly population.
4. All dead animals shall be removed within a reasonable length of time.
5. Shelterbelts. Shelterbelts on the north or west side of roads or section lines shall have the northernmost or westernmost row of plantings located a minimum of one hundred and seventy-five (175) feet from the center line of the road or section line, and the row of plantings closest to the road or section line a minimum of fifty (50) feet from the right-of-way. Shelterbelts on the south or east side of roads or section lines shall have the southernmost or easternmost row of plantings located a minimum of one hundred and fifteen (115) feet from the center line of the road or section line, and the row of plantings closest to the road or section line a minimum of fifty (50) feet from the right-of-way.
6. All uses established in this zoning district shall provide parking and loading space off the public right-of-way in sufficient quantity to accommodate the normal activities of such uses.
7. Game lodges, shooting preserves, and sporting clays shall have adequate off-street parking areas for guests and shall be located so as to have a minimal impact on adjacent property. Shooting preserves shall obtain the appropriate licenses.
8. Aquaculture. Processing areas shall not be closer than 330 feet from any lot line adjoining properties which are used for residential, business, industrial, or

recreational purposes. By-products of spawning through grow-out and market processing shall be handled as to minimize odor impact on adjacent properties. Drainage shall be arranged to protect public waters and such that if any reaches neighboring properties it shall do so at a concentration not discernable to normal senses. Additional Performance Standards are at Section 2-118.

**Source:** Ord. No. 1998-19, 1998; Ord. No. 2001-3, 2001; Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009.

***Sections 4-110 to 4-199, inclusive, Reserved.***

*Sections 4-201 to 4-209, inclusive. Agriculture District B - general provisions.*

**Section 4-201. Legal boundary descriptions for Agriculture District B.**

In T112N, R81W, all of Section 13 outside the USA Take bordering the Missouri River; all of Section 14 outside the USA Take bordering the Missouri River; all of Section 22 outside the USA Take bordering the Missouri River; all of Section 23 outside the USA Take bordering the Missouri River; all of Section 24 outside the USA Take bordering the Missouri River except the S  $\frac{1}{2}$  S  $\frac{1}{2}$ ; all of Section 25 outside the USA Take bordering the Missouri River; all of Section 26 outside the USA Take bordering the Missouri River; all of Section 27 outside the USA Take bordering the Missouri River.

In T112N, R80W, all of Section 1; all of Section 2; all of Section 3; all of Section 4 except Nystrom's First Addition, Nystrom's Second Addition, Nystrom's Outlot #1, Lot 1 of Outlot 1, Lot 2 of Outlot 1, all that part of Government Lot 3 lying east of the east line of East Canal Drive extended, lying south of Block 3, Nystrom's Second Addition and lying east of Blocks 2 and 3, Nystrom's Second Addition, the west 256.7' of Government Lot 2 less Right-of-Way, Lots A thru H and Lots K and L in Government Lot 2, all of Government Lot 5 lying east and north of Normans Tract No. 1 and south of Central Street extended, Lot D located in that part of SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , lying west of Lot C, North of Lot B (Walleye Drive) and south of Central Street extended, and Lot C located in that part of SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , lying west of Lot A, north of Lot B (Walleye Drive) and south of Central Street extended; all of Section 5 outside of the USA Take bordering the Missouri River except Nystrom's Outlot 1 in Government Lot 7; all of Section 7 outside the USA Take bordering the Missouri River; all of Section 8 outside the USA Take bordering the Missouri River; all of Section 9 outside the USA Take bordering the Missouri River; all of Section 10; all of Section 11; all of Section 12; all of Section 13; all of Section 14; all of Section 15; all of Section 16 except the southerly 486.03' of Tract "A"; all of Section 17 outside the USA Take bordering the Missouri River; all of Section 18 outside the USA Take bordering the Missouri River except the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , and Lot 1 of the Lariat Ridge Subdivision in the W  $\frac{1}{2}$  SE  $\frac{1}{4}$ ; all of Section 19 except the S  $\frac{1}{2}$  S  $\frac{1}{2}$ ; all of Section 20 except the north 792' of NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; all of Section 21; all of Section 22 outside the USA Take bordering the Missouri River; all of Section 23 outside the USA Take bordering the Missouri River except Sunshine Acres; all of Section 24; all of Section 25 outside the USA Take bordering the Missouri River except the Whispering Pines Subdivision in the SE  $\frac{1}{4}$ , the Cedar Acres Subdivision in the SE  $\frac{1}{4}$ , the S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the S  $\frac{1}{2}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; all of Section 26 outside the USA Take bordering the Missouri River; all of Section 27 outside the USA Take bordering the Missouri River; all of Section 28 outside the USA Take bordering the Missouri River except the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the N  $\frac{1}{2}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and Brockhouse Lot 1; all of Section 29 outside the USA Take bordering the Missouri River except Robinson Acres Subdivision in the N  $\frac{1}{2}$  N  $\frac{1}{2}$ ; all of Section 30 outside the USA Take bordering the Missouri River except the NW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , the N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the W  $\frac{1}{2}$  N  $\frac{1}{2}$  N  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; all of Section 36 outside the USA Take bordering the Missouri River.

In T112N, R79W, all of Section 7; the S.  $\frac{1}{2}$  of Section 17; all of Section 18; all of Section 19; all of Section 20; all of Section 21 less the NE  $\frac{1}{4}$ , and the N480.6' of Lot 3 of Maher Acres; the S

½ of Section 22; the S ½ of Section 23; all of Section 26; all of Section 27; all of Section 28; all of Section 29; all of Section 30; all of Section 31 outside the USA Take bordering the Missouri River except the NW ¼ SE ¼; all of Section 32 except Oahe Acres Lots 3- 95 in the SE ¼ along with a parcel beginning at the SE corner of Section 32 thence westerly 1587' thence N 611' thence E 300' thence N 378.99' thence E 1310' thence S 1012.96' to the place of beginning (Includes Oahe Acres Lots 3-24 and other parcels); all of Section 33 except Stewarts Addition, North Forty Addition, Mentor Addition, Lots 1 through 11 of Mentor Second Addition, H&C Subdivision, the West 390 feet of the South 870 feet less the West 130 feet of the North 330 feet of the SE¼, and the SW ¼ of the NW ¼ of the SE ¼, and Ludemann Subdivision; all of Section 34; all of Section 35.

In T112N, R77W, all of Section 1, all of Section 2, all of Section 3, all of Section 10, all of Section 11, all of Section 12, all of Section 13, all of Section 14, all of Section 15, all of Section 22, all of Section 23, all of Section 24.

In T112N, R76W, all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8 outside the corporate limits of the City of Blunt; all of Section 9 outside the corporate limits of the City of Blunt; all of Section 10 outside the corporate limits of the City of Blunt; all of Section 11; all of Section 12; the N ½ of Section 14; all of Section 15; all of Section 16 outside the corporate limits of the City of Blunt; all of Section 17 outside the corporate limits of the City of Blunt; all of Section 18; all of Section 19; all of Section 20 except the W ½ SW ¼; all of Section 21; all of Section 22.

In T112N, R75W, all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8; all of Section 9; all of Section 10; all of Section 11; all of Section 12.

In T112N, R74W, all of Section 1; all of Section 2; all of Section 3; all of Section 4 outside the corporate limits of the City of Harrold; all of Section 5 outside the corporate limits of the City of Harrold; all of Section 6; all of Section 7; all of Section 8 outside the corporate limits of the City of Harrold except Tracts 1 and 2 of Harrold Terminal Addition; all of Section 9 outside the corporate limits of the City of Harrold except Lot C1, C2 and D in the NE ¼; all of Section 10; all of Section 11; all of Section 12; all of Section 14; all of Section 15; all of Section 16; all of Section 17; all of Section 18; the N ½ Section 19; the N ½ Section 20; the N ½ Section 21; the N ½ Section 22; the N ½ Section 23.

In T111N, R79W, all of Section 1; all of Section 2; all of Section 3; all of Section 4 except Hyde's Sub. in the NW ¼, Tracts A-D in Gov't Lot 4, Ray Lot 1, the east 200' of the north 400' of the east 727.40' of Lot 1, and K&S Subdivision in the NE ¼; all of Section 5 except Lots 1A, 1B and 1C of Grey Goose Tract 1; all of Section 6 outside the USA Take bordering the Missouri River except Tracts 1, 3, 4 and 5 of Buckeye Breaks Addition; all of Section 7 outside the USA Take bordering the Missouri River except Tract 2 of Buckeye Breaks Addition; all of Section 8; all of Section 9; all of Section 10; all of Section 11; all of Section 12; all of Section 13; all of Section 14; all of Section 15 except North Ranch Estates Subdivision in the SE ¼ SE ¼, Pheasant Run Subdivision in the SE ¼ SW ¼, and Rolling Hills Estates in the SW ¼ SE ¼, and Lots 1-27, Falcon Ridge Subdivision in the NE ¼ and N ½ SE ¼; all of Section 16 outside the extra-territorial limits of the City of Pierre except the East 414 feet of Lot T2 and the SE ¼; all of



Section 17 outside the extra-territorial limits of the City of Pierre except – the N ½ SE ¼; all of Section 18 outside the USA Take bordering the Missouri River.

In T111N, R78W, all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8; all of Section 9; all of Section 10; all of Section 15; all of Section 16; all of Section 17 except Flat Rock Estates in the NW ¼, and Tower Hill Subdivision in the E ½ NE ¼ and the W ½ NE ¼ lying South of Highway 14/83, and except the NW ¼ of Section 17-111-78 North of the Highway; all of Section 18 except SW ¼, Hunsley's Outlot in the SE ¼, Hunsley Lots A-B-C-D-E in the SE ¼, Part of the N ½ of the SE ¼ North of Hwy 14-83 (trailer court), Dell Acres in the SE ¼, the SW SW SW SW SE, the W ½ SE SW SW SW SE, the E ½ SE SW SW SW SE, the S ½ SE SW SW SE, Falcon's Tract 1, and Hunsley Lots F, G, H, I, J, K, L & M; all of Section 20; all of Section 21; all of Section 22; all of Section 27; all of Section 28; all of Section 29; all of Section 32; all of Section 33; all of Section 34; the S ½ Section 35; the S ½ Section 36.

In T111N, R77W, all of Section 24 and Section 25 except Blocks 1-12, Outlots 1-8 and the Cemetery Lot to the Original Townsite of Canning.

In T111N, R76W, all of Section 19; all of Section 30.

In T110N, R78W, all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 8 outside the extra-territorial limits of the City of Pierre, and Royal Ridge Estates in the NE ¼; all of Section 9 except Lots 1-10 Lakeview Acres in the S ½, Lots 1-3 Lakeview Acres Addition in the S ½, S 300' of Lot 1 in the SW SW, and Royal Ridge Estates in the W ½, and Tract 1 of Brandt Subdivision in the W ½ SW ¼ NW ¼; all of Section 10 except the SW ¼ SW ¼; all of Section 11; all of Section 12; all of Section 13 outside the USA Take bordering the Missouri River; all of Section 14 outside the USA Take bordering the Missouri River except the S ½ NW ¼ and the S ½ NE ¼ lying north of Hwy 34; all of Section 15 outside the USA Take bordering the Missouri River except the NW ¼ NW ¼; all of Section 16 outside the USA Take bordering the Missouri River except that which lies N of Hwy. 34.

In T110N, R77W, S ½ Section 5; S ½ Section 6; all of Section 7; all of Section 8; all of Section 9; all of Section 10; S ½ Section 11; all of Section 13; all of Section 14; all of Section 15; all of Section 16 outside the USA Take bordering the Missouri River except the SW ¼ SE ¼ lying north of Hwy 34 R.O.W; all of Section 17 outside the USA Take bordering the Missouri River except Outlot H-1, Outlot H-3, Maher Outlot 1, Lakeview Estates, Lakeview Estates II, B.A.M. Parcel A, Outlot S-1, Outlot G-1, and Urich Tracts 3 & 4; all of Section 18 outside the USA Take bordering the Missouri River except Lots H-1 thru H-10; all of Section 23 outside the USA Take bordering the Missouri River; all of Section 24; all of Section 25 outside the USA Take bordering the Missouri River; all of Section 26 outside the USA Take bordering the Missouri River.

In T110N, R76W, all of Section 19; all of Section 25; all of Section 26; all of Section 27; all of Section 28; all of Section 29; all of Section 30; all of Section 31 outside the USA Take bordering the Missouri River except Lot 1 and the E ½ NW ¼ less Highway Right-of-Way; all of Section 32 outside the USA Take bordering the Missouri River; all of Section 33; all of Section 34; all of Section 35; all of Section 36.

In T110N, R75W, all of Section 30; all of Section 31; all of Section 32; all of Section 33; all of Section 34; all of Section 35; all of Section 36.

In T110N, R74W, all of Section 31; all of Section 32; all of Section 33; all of Section 34; all of Section 35; all of Section 36.

In T109N, R76W, all of Section 1 outside the USA Take bordering the Missouri River; all of Section 2 outside the USA Take bordering the Missouri River; all of Section 3 outside the USA Take bordering the Missouri River; all of Section 4 outside the USA Take bordering the Missouri River; all of Section 5 outside the USA Take bordering the Missouri River.

In T109N, R75W, all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5 outside the USA Take bordering the Missouri River except an un-platted parcel NW  $\frac{1}{2}$  SW  $\frac{1}{4}$ ; all of Section 6 outside the USA Take bordering the Missouri River; all of Section 7 outside the USA Take bordering the Missouri River; all of Section 8 outside the USA Take bordering the Missouri River; all of Section 9; all of Section 10; all of Section 11; all of Section 12.

An area described as follows: Beginning at a point at the SW corner of Section 35, T112N, R78W, thence northeasterly to a point at the SE corner of the NE  $\frac{1}{4}$  of Section 16, T112N, R77W, thence southerly to the SW corner of Section 22, T112N, R77W, thence easterly to a point at the NE corner of Section 27, T112N, R77W, thence southwesterly to a point at the SE corner of the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 15, T111N, R78W, thence northerly to the point of beginning; except Lots 1-7 in Prairie Subdivision of NE  $\frac{1}{4}$  of Section 31-112-77; and except a subdivision of Government Lots 1, 2 and 7 North of the Highway less W30.64' of N361.50' of Lot 1 and E330.86' of N361.50' of Lot 2 in Section 1-111-78.

**Source:** Ord. No. 97-7, 1997; Ord. No. 98-1, 1998; Ord. No. 98-2, 1998; Ord. No. 98-4, 1998; Ord. No. 98-5, 1998; Ord. No. 98-6, 1998; Ord. No. 98-10, 1998; Ord. No. 98-13, 1998; Ord. 98-15, 1998 Ord. No. 98-16, 1998; Ord. No. 98-18, 1998; Ord. No. 99-7, 1999; Ord. No. 99-14, 1999; Ord. No. 99-17, 1999; Ord. No. 99-21, 1999; Ord. No. 2000-2, 2000; Ord. No. 2000-3, 2000; Ord. No. 2000-4, 2000; Ord. No. 2000-5, 2000; Ord. No. 2000-9, 2000; Ord. No. 2000-11, 2000; Ord. No. 2001-1, 2001; Ord. No. 2001-8, 2001; Ord. No. 2001-9, 2001; Ord. No. 2002-1, 2002; Ord. No. 2002-4, 2002; Ord. No. 2002-12, 2002; Ord. No. 2003-2, 2003; Ord. No. 2003-3, 2003; Ord. No. 2003-11, 2003; Ord. No. 2003-12, 2003; Ord. No. 2003-13, 2003; Ord. No. 2004-4, 2004; Ord. No. 2004-5, 2004; Ord. No. 2004-6, 2004; Ord. No. 2004-9, 2004, Ord. No. 2005-3, 2005; Ord. No. 2005-6, 2005; Ord. No. 2005-8, 2005; Ord. No. 2006-01, 2006; Ord. No. 2006-3, 2006; Ord. No. 2006-4, 2006; Ord. No. 2006-6, 2006; Ord. No. 2006-7, 2006; Ord. No. 2007-2, 2007; Ord. No. 2007-3, 2007; Ord. No. 2007-5, 2007; Ord. No. 2007-08, 2007; Ord. No. 2007-09, 2007; Ord. No. 2008-01, 2008; Ord. No. 2008-04, 2008; Ord. No. 2008-05, 2008; Ord. No. 2008-06, 2008; Ord. No. 2009-01, 2009; Ord. No. 2009-16, 2009; Ord. No. 2009-17, 2009; Ord. No. 2009-18, 2009.

#### **Section 4-202. Statement of purpose for Agriculture District B.**

Agriculture District B is designed to preserve agriculture lands from encroachment of incompatible uses in areas adjacent to the Missouri River, established residential areas and State Highway Corridors in Hughes County.

**Section 4-203. Principal permitted uses.**

The following uses are permitted as the principal use of any parcel of property in the Agriculture District B, except for uses excluded when located in Airport Noise Zone A.

1. Uses directly relating to agriculture, as defined in Chapter 1, including horticulture, raising of field crops, animal husbandry, poultry raising, and kennels.
2. Single-family residential structures including conventional homes, manufactured homes, and mobile homes.
3. Normal farm and ranch structures.
4. Outdoor-type recreational enterprises which utilize land resources in their natural state.
5. Veterinary clinics.
6. Public facilities necessary for the provision of transportation, communications, water, sewerage, electricity, and natural gas.
7. Historical sites.
8. Greenhouses and nurseries, provided there is no retail sale of products conducted on the premises.
9. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers in conformance with Section 2-103.
10. Small Wind Energy Conversion Systems (SWECS) in conformance with Section 2-117.
11. Aquaculture operations producing up to 20,000 pounds (harvest weight) of cold water fish per year or up to 100,000 pounds (harvest weight) of warm water fish annually. Performance Standards shall be in accordance with this Section and Section 2-118.
12. Shelterbelts.
13. Golf courses, country clubs, golf driving ranges, riding academies, dude ranches, and other farm and ranch type recreational enterprises.

14. Recreational facilities owned or operated by government or charitable or religious organizations.
15. Churches, schools, colleges, and similar activities.
16. County-operated gravel pits established at the direction of the Board of County Commissioners.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-02, 2009; Ord. No. 2009-05, 2009.

#### **Section 4-204. Accessory uses.**

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District B.

1. Living quarters for persons regularly employed on premises, but not including labor camps or transient labor..
2. Roadside stands for the sale of produce grown on the premises.
3. Home occupations as defined in Chapter 1.
4. Accessory uses common to all residential districts as identified in Chapter 5.
5. Reserved.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-04, 2009.

#### **Section 4-205. Conditional Uses.**

The following uses are permitted in the Agricultural B District after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county:

1. Game Lodges, Shooting Preserves, Sporting Clays, Rooming Houses, and similar temporary lodging facilities.
2. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers.
3. Wind Energy Conversion Systems (WECS).

4. Aquaculture operations producing over 20,000 pounds (harvest weight) of cold water fish per year or over 100,000 pounds (harvest weight) of warm water fish annually. Application and Performance Standards shall be in accordance with Section 2-118.
5. Race tracks or courses.
6. Outdoor theaters.
7. Cemetery, crematories, mausoleums.
8. Commercial agricultural processing plants.
9. Sand, gravel, and other mineral extraction or mining operations including transfer of existing operations to a different entity.

**Source:** Ord. No. 1998-19, 1998; Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-05, 2009.

#### **Section 4-206. Certain uses declared incompatible and excluded.**

The following uses are hereby declared incompatible with the purpose of the Agriculture B District and are hereby expressly excluded.

1. Concentrated Animal Feeding Operations of Class A, B, or C (other than aquaculture).

**Source:** Ord. No. 2007-08, 2007.

#### **Section 4-207. Certain uses lying in Airport Noise Zones declared incompatible and excluded.**

Airport Noise Zone A is a relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of airport noise zone A and are hereby expressly excluded for any part of this district located in Airport Noise Zone A:

1. All residential dwellings.
2. Auditoriums, concert halls, music shells, and outdoor theaters.
3. Churches, schools, colleges, rest homes, and similar facilities.

4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of Noise Zone B is to notify the general public that such an area is in the established airport noise zones and as such may be subjected to noise pollution.

#### **Section 4-208. Space limitations.**

The following space limitations shall apply to structures and buildings associated with each principal permitted use, and each accessory use, except fences and signs:

##### ***Required Lot Area***

Not less than thirty-five (35) acres.

Exception: The Board of Adjustment may consider granting a Variance to this requirement to permit platting of a Lot of less than 35 acres, but of a minimum of one (1) acre, in size for residential purposes upon finding that creation of such a platted Lot will permit the perpetuation of a family farm operation and will be in accord with the purpose and intent of this zoning district. In making its determination, the Board may consider elements such as the multi-generational nature of the operation, the size of the operation, the familial relationship of the parties involved, any affidavit provided testifying to the need for creation of the Lot, or other elements the Board believes to be germane.

##### ***Percentage of Lot Coverage***

All buildings including accessory buildings shall not cover more than twenty-five (25) percent of the area of the lot.

##### ***Yards Required***

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front Yard Depth: Fifty (50) feet.
2. Rear Yard Depth: Fifty (50) feet.
3. Side Yard Width: Twenty-five (25) feet on each side of the building.
4. Minimum set back from State Highways 14, 83, 34 and 1804 right-of-ways shall be seventy-five (75) feet for all residential structures.
5. A recorded plat or land survey of property less than thirty-five (35) acres is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.
6. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

**Source:** Ord. No. 1998-19, 1998; Ord. No. 2003-7, 2003; Ord. No. 2008-01, 2008; Ord. No. 2009-01, 2009.

#### **Section 4-209. Performance standards.**

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Concentrated Animal Feeding Operations shall comply with Performance Standards stated at Section 2-118. Other areas in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months or age, shall not be closer than three hundred thirty (330) feet from any lot line adjoining properties which are used for residential, business, or industrial or recreational purposes. (This paragraph does not intend to discriminate against the above agricultural uses existing prior to the zoning for other purposes.)
2. Feed lots, or corrals, shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in feedlots or corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the feeding area during fly season as often as necessary to control the fly population.

5. All dead animals shall be removed within a reasonable length of time.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials, which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands shall be provided off the public right-of-way.
8. Game lodges, shooting preserves, and sporting clays shall have adequate off-street parking areas for guests and shall be located so as to have a minimal impact on adjacent property. Shooting preserves shall obtain the appropriate licenses.
9. Shelterbelts. Shelterbelts on the north or west side of roads or section lines shall have the northernmost or westernmost row of plantings located a minimum of one hundred and seventy-five (175) feet from the center line of the road or section line, and the row of plantings closest to the road or section line a minimum of fifty (50) feet from the right-of-way. Shelterbelts on the south or east side of roads or section lines shall have the southernmost or easternmost row of plantings located a minimum of one hundred and fifteen (115) feet from the center line of the road or section line, and the row of plantings closest to the road or section line a minimum of fifty (50) feet from the right-of-way
10. Aquaculture. Processing areas shall not be closer that 330 feet from any lot line adjoining properties which are used for residential, business, industrial, or recreational purposes. By-products of spawning through grow-out and market processing shall be handled as to minimize odor impact on adjacent properties. Drainage shall be arranged to protect public waters and such that if any reaches neighboring properties it shall do so at a concentration not discernable to normal senses. Additional Performance Standards are at Section 2-118.

**Source:** Ord. No. 1998-19, 1998; Ord. No. 2001-3, 2001; Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009.

***Sections 4-210 to 4-249, inclusive. Reserved.***



*Sections 4-251 to 4-259, inclusive. Agriculture District B2 – general provisions.*

**Section 4-251. Legal boundary descriptions for Agriculture District B2.**

Urich Tracts 3 & 4 in NW Section 17-110-77.

Tract 1, Brandt Subdivision in the W ½ SW ¼ NW ¼ of Section 9-110-78.

Royal Ridge Estates Subdivision in the NE ¼ of Section 8 and W ½ of Section 9-110-78.

A subdivision of Government Lots 1, 2 and 7 North of the Highway less W30.64' of N361.50' of Lot 1 and E330.86' of N361.50' of Lot 2, Section 1-111-78.

The NW ¼ of Section 17-111-78 lying North of the Highway (Table Rock Estates).

Flat Rock Estates in NW ¼ of Section 17-111-78.

Tower Hill Subdivision in the E ½ NE ¼ and the W ½ NE ¼ lying South of Highway 14/83, Section 17-111-78.

Hunsley Lots F, G, H, I, J, K, L & M in the SE ¼ lying South of Highway 14/83, Section 18-111-78.

Lots 1A, 1B and 1C of Grey Goose Tract 1, Section 5-111-79.

Lots 1-27, Falcon Ridge Subdivision in the NE ¼ and N ½ SE ¼ of section 15-111-79.

Medicine Knoll Creek Subdivision in the W ½ SW ¼ of Section 20-112-76 less Lots 1 and 2R

Lots 1-7, Prairie Subdivision in NE ¼ of Section 31-112-77.

Ludemann Subdivision of the SE¼ NW¼ of Section 33-112-79.

S ½ S ½ SECTION 19-112-80.

North 792' of NW ¼ SW ¼ and the NW ¼ NW ¼ of Section 20-112-80.

Robinson Acres Subdivision in the N ½ N ½ of Section 29-112-80.

NW ¼, the NW ¼ NE ¼, the NW ¼ SW ¼ NE ¼, the N ½ NE ¼ SW ¼ NE ¼ and the W ½ N ½ N ½ SE ¼ NE ¼ of Section 30-112-80 outside the USA Take (Venner's Peoria Heights Addition plus S ½ NW ¼, NW ¼ SW ¼ NE ¼, N ½ NE ¼ SW ¼ NE ¼, and the W ½ N ½ N ½ SE ¼ NE ¼ all less USA Take).

S ½ S ½ of Section 24-112-81 including the Tuveson Addition.

**Source:** Ord. No. 2003-6, 2003 (initiating Ordinance); Ord. No. 2003-11, 2003; Ord. No. 2003-13, 2003; Ord. No. 2004-4, 2004; Ord. No. 2004-9, 2004, Ord. No. 2005-3, 2005; Ord. No. 2005-6, 2005; Ord. No. 2006-01, 2006; Ord. No. 2006-3, 2006; Ord. No. 2006-4, 2006; Ord. No. 2006-6, 2006; Ord. No. 2007-2, 2007; Ord. No. 2007-3, 2007; Ord. No. 2007-5, 2007; Ord. No. 2007-08, 2007; Ord. No. 2007-09, 2007; Ord. No. 2008-01, 2008; Ord. No. 2008-04, 2008, Ord. No. 2008-06, 2008; Ord. No. 2009-16, 2009.

#### **Section 4-252. Statement of purpose for Agriculture District B2.**

The Agriculture District B2 is to provide an alternative parcel size for persons desiring a smaller acreage than the 35 acres allowed in the Ag District B zoning for agricultural pursuits. It is intended that this district within Agriculture B zoning may be subdivided into parcels of not less than 2.5 acres. It is intended that this district will provide a minimum of public utilities, services or improvements, and a strictly rural type environment as commonly known in terms of open space, odors, noises, dust and self-sufficiency.

#### **Section 4-253. Principal permitted uses.**

The following uses are permitted as the principal use of any parcel of property in the Agriculture District B2, except for uses excluded when located in Airport Noise Zone A.

1. Uses directly relating to agriculture, as defined in Chapter 1, including horticulture, raising of field crops, animal husbandry, poultry raising, and kennels.
2. Single-family residential structures including conventional homes, manufactured homes, and mobile homes.
3. Outdoor-type recreational enterprises which utilize land resources in their natural state.
4. Public facilities necessary for the provision of transportation, communications, water, sewerage, electricity, and natural gas.
5. Historical sites.
6. Greenhouses and nurseries, provided there is no retail sale of products conducted on the premises.
7. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers in conformance with Section 2-103.
8. Small Wind Energy Conversion Systems (SWECS) in conformance with Section 2-117.
9. Shelterbelts.

10. Recreational facilities owned or operated by government or charitable or religious organizations.
11. Churches, schools, colleges, and similar activities.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2008-01, 2008; Ord. No. 2009-01, 2009; Ord. No. 2009-02, 2009.

#### **Sections 4-254. Accessory uses.**

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District B2.

1. Normal farm and ranch structures.
2. Home occupations as defined in Chapter 1.
3. Accessory uses common to all residential districts as identified in Chapter 5.

**Source:** Ord. No. 2007-08, 2007.

#### **Section 4-255. Conditional Uses.**

The following uses are permitted in the Agriculture District B2 after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county.

1. Golf courses, country clubs, golf driving ranges, riding academies, dude ranches, and other farm and ranch type recreational enterprises.
2. Recreational facilities owned or operated by government or charitable or religious organizations.
3. Churches, schools, colleges, and similar activities.
4. Game Lodges, Rooming Houses, Lodging Houses and similar temporary lodging facilities.
5. Amateur Radio Antenna Structures.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2008-01, 2008; Ord. No. 2009-03, 2009.

#### **Section 4-256. Certain Uses Declared Incompatible and Excluded.**

The following uses are hereby declared incompatible with the purpose of the Agriculture B2 District and are hereby expressly excluded.

1. Concentrated Animal Feeding Operations of Classes A, B, or C.

**Source:** Ord. No. 2007-08, 2007.

**Section 4-257. Certain uses lying in Airport Noise Zones declared incompatible and excluded.**

Airport Noise Zone A is a relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of Airport Noise Zone A and are hereby expressly excluded for any part of this district located in Airport Noise Zone A.

1. All residential dwellings.
2. Auditoriums, concert halls, music shells, and outdoor theaters.
3. Churches, schools, colleges, rest homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.
6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of Noise Zone B is to notify the general public that such an area is in the established airport noise zones and as such may be subjected to noise pollution.

**Section 4-258. Space limitations.**

The following space limitations shall apply to structures and buildings associated with each principal permitted use, and each accessory use, except fences and signs:

***Building Height Limit***

No building shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet in height.

***Required Lot Area***

Not less than 2.5 acres.

***Percentage of Lot Coverage***

All buildings including accessory buildings shall not cover more than fifteen (15) percent of the area of the lot.

***Yards Required***

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front Yard Depth: Fifty (50) ft.
2. Rear Yard Depth: Fifty (50) ft.
3. Side Yard Depth: Not less than fifteen (15) feet but the sum of the two side yards shall not be less than thirty (30) feet.
4. Minimum setback from State Highway 14, 83, 34 and 1804 right-of-ways shall be seventy-five (75) ft for all residential structures..
5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

***PLAT REQUIRED***

A land survey is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

**Source:** Ord. No. 2005-7, 2005; Ord. No. 2008-01, 2008; Ord. No. 2009-01, 2009.

**Section 4-259. Performance standards.**

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property.

1. Corrals or winter quarters in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months of age, shall

not be closer than 330 feet from any line adjoining properties which are used for residential, commercial, manufacturing or recreational purposes.

2. Such corrals shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the feeding area during fly season as often as necessary to control the fly population.
5. All dead animals shall be removed within a reasonable length of time.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials, which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.
8. Shelterbelts shall be fifty (50) feet from section line right-of-ways or twenty-five (25) feet from the exterior boundaries of the subdivision.

**Source:** Ord. No. 2003-6, 2003; Ord. No. 2007-08, 2007.

*Section 4-260 to 4-299, inclusive. Reserved.*

*Sections 4-301 to 4-309, inclusive. Agriculture District C - general provisions.*

**Section 4-301. Legal boundary descriptions for Agriculture District C.**

W ½ NW NW NW of Section 22-109-75.

Lot 1 and the E ½ NW ¼ less Highway Right-of-Way and less USA Take, in Section 31-110-76.

SW ¼ SE ¼ Section 16-110-77 lying north of Hwy 34 R.O.W.

B.A.M. Parcel A of Section 17-110-77.

Outlots H-1 and H-3 in Section 17-110-77.

Outlots S-1 and G-1 in Section 17-110-77.

Maher Outlot 1 in NE ¼ of Section 17-110-77.

Lakeview Estates and Lakeview Estates II in Section 17-110-77.

Lots H-1 thru H-10 of Section 18-110-77.

The S ½ NW ¼ and the S ½ NE ¼ lying north of Hwy 34 of Section 14-110-78.

SW ¼ SW ¼ Section 10-110-78 and NW ¼ NW ¼ Section 15-110-78.

Section 16-110-78 lying north of South Dakota Highway 34.

Blocks 1 – 12, Outlots 1 – 8 and the Cemetery Lot to the Original Townsite of Canning located in the S ½ SE ¼ of Section 24 and in the N ½ NE ¼ of Section 25-111-77.

Lot 9 less Lot A being a sub of Lots 9 and 10 and Lots 15 and 16 of Section 1-111-78.

Lots 2-6 of Hunsley's Outlot in the SE ¼ of Section 18-111-78.

SW SW SW SW SE and the W ½ SE SW SW SW SE of Section 18-111-78.

S ½ SE SW SW SE and the E ½ SE SW SW SW SE of Section 18-111-78.

Falcon's Tract 1 of Section 18-111-78.

Hunsley Outlots A, B, C, D, and E of Section 18-111-78.

SW ¼ Section 18-111-78.

Lots 1A through 53A of Gov't Lots 3, 4, 5, & 6 (Hyde Subdivision), and Tracts A-D in Gov't Lot 4, and Ray Lot 1, all in Section 4-111-79.

K&S Subdivision in the NE  $\frac{1}{4}$  of Section 4-111-79. (Lot 1 less the E. 763.40' of Section 4-111-79.)

Tracts 1, 3, 4 and 5 of Buckeye Breaks Addition in Sections 6-111-79 and 7-111-79.

Tract 2 Buckeye Breaks Addition in Section 7-111-79.

North Ranch Estates Subdivision in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15-111-79.

Pheasant Run Subdivision, a subdivision of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 15-111-79.

Rolling Hills Estates in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15-111-79.

SE  $\frac{1}{4}$  Section 16-111-79.

Green Grass Ridge Subdivision in the W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 16-111-79.

E  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 16-111-79.

Sunset Ridge Addition in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 17-111-79.

West 15.92' of Lot 4 and all of Lots 5 – 15 Sunset Meadows Addition in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  of Section 17-111-79.

The N  $\frac{1}{2}$  SE  $\frac{1}{4}$  outside the extra-territorial limits of the City of Pierre, Section 17-111-79.

Lot C1 and C2, a subdivision of Lot C, plat of Lots A, B, and C lying in the NE  $\frac{1}{4}$  of Section 9-112-74.

Lot D in NE  $\frac{1}{4}$  of Section 9-112-74.

Lot 1 of the Medicine Knoll Creek Subdivision in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 20-112-76.

Lot 2 of the Medicine Knoll Creek Subdivision in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 20-112-76.

The N480.6' of Lot 3 of Maher Acres, Section 21-112-79. (Paulsen's Subdivision)

S  $\frac{1}{2}$  NW SE Section 31-112-79.

Stewart Addition in SW  $\frac{1}{4}$  Section 33-112-79.

North-40 Subdivision in SW  $\frac{1}{4}$  Section 33-112-79.



Mentor Addition - SE Section 33-112-79.

West 390' of South 870', less the West 130' of North 330' of SE Section 33-112-79.

Lots 1 through 10, Mentor Second Addition - SE Section 33-112-79.

H&C Subdivision (Flyway Acres) - NW Section 33-112-79.

SW NW SE Section 33-112-79.

SE ¼ SE ¼ SE ¼ of Section 18-112-80.

Lot 1 of the Lariat Ridge Subdivision in the W ½ SE ¼ of Section 18-112-80.

Sunshine Acres - Section 23-112-80.

S ½ SE ¼ NW ¼, S ½ SW ¼ NE ¼, and the S ½ SE ¼ NE ¼ of Section 25-112-80.

Whispering Pines Subdivision in the SE ¼ of Section 25-112-80.

Cedar Acres Subdivision in the SE ¼ of Section 25-112-80.

N ½ SE ¼ NW ¼, the NE ¼ NW ¼, the N ½ SW ¼ NE ¼, the NW ¼ NE ¼, and Brockhouse Lot 1 in Section 28-112-80.

W ½ W ½ SW ¼ SW ¼ Section 24-112-81.

**Source:** Ord. No. 98-1, 1998; Ord. No. 98-4, 1998; Ord. No. 98-5, 1998; Ord. No. 98-15, 1998; Ord. No. 98-16, 1998; Ord. No. 98-18, 1998; Ord. No. 99-7, 1999; Ord. No. 99-17, 1999; Ord. No. 99-21, 1999; Ord. No. 2000-2, 2000; Ord. No. 2000-3, 2000; Ord. No. 2000-4, 2000; Ord. No. 2000-5, 2000; Ord. No. 2000-9, 2000; Ord. No. 2000-11, 2000; Ord. No. 2001-1, 2001; Ord. No. 2001-8, 2001; Ord. No. 2001-9, 2001; Ord. No. 2002-1, 2002; Ord. No. 2002-4, 2002; Ord. No. 2002-12, 2002; Ord. No. 2003-2, 2003; Ord. No. 2003-3, 2003; Ord. No. 2003-12, 2003; Ord. No. 2004-5, 2004; Ord. No. 2004-6, 2004; Ord. No. 2005-3, 2005; Ord. No. 2006-7, 2006; Ord. No. 2007-6, 2007; Ord. No. 2008-01, 2008; Ord. No. 2008-05, 2008.

#### **Section 4-302. Statement of purpose for Agriculture District C.**

The Agriculture District C is to provide an alternative living environment for persons desiring larger acreage than is practical in a city yet generally less acreage than is necessary for agricultural pursuits. It is intended that this district will provide a minimum of public utilities, services or improvements, and a strictly rural type environment as commonly known in terms of open space, odors, noises, dust and self-sufficiency.

### **Section 4-303. Principal permitted uses.**

The following uses are permitted as the principal use of any parcel of property in the Agriculture District C, except for uses excluded when located in Airport Noise Zone A.

1. Uses directly relating to agriculture, as defined in Chapter 1, including horticulture, raising of field crops, animal husbandry, poultry raising, and kennels.
2. Single-family residential structures including conventional homes, manufactured homes, and mobile homes.
3. Outdoor-type recreational enterprises which utilize land resources in their natural state.
4. Public facilities necessary for the provision of transportation, communications, water, sewerage, electricity, and natural gas.
5. Historical sites.
6. Greenhouses and nurseries, provided there is no retail sale of products conducted on the premises.
7. Telecommunications Towers, Antenna Support Structures, Broadcast Towers, Receiving Towers, and similar electronics or meteorological towers in conformance with Section 2-103.
8. Small Wind Energy Conversion Systems (SWECS) in conformance with Section 2-117.
9. Shelterbelts.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2009-01, 2009; Ord. No. 2009-02, 2009.

### **Section 4-304. Accessory uses.**

The following uses are permitted as accessory to the principal permitted uses in the Agricultural District C.

1. Normal farm and ranch structures.
2. Home occupations as defined in Chapter 1.
3. Accessory uses common to all residential districts as identified in Chapter 5.

**Source:** Ord. No. 2007-08, 2007.

#### **Section 4-305. Conditional Uses.**

The following uses are permitted in the Agriculture District C after a finding by the Board of Adjustment that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county.

1. Golf courses, country clubs, golf driving ranges, riding academies, dude ranches, and other farm and ranch type recreational enterprises.
2. Recreational facilities owned or operated by government or charitable or religious organizations.
3. Churches, schools, colleges, and similar activities.
4. Game Lodges, Rooming Houses, Lodging Houses, and similar temporary lodging facilities.
5. Amateur Radio Antenna Structures.

**Source:** Ord. No. 2007-08, 2007; Ord. No. 2008-01, 2008; Ord. No. 2009-03, 2009.

#### **Section 4-306. Reserved.**

#### **Section 4-307. Certain uses lying in Airport Noise Zones declared incompatible and excluded.**

Airport Noise Zone A is relatively high noise area best suited for agricultural use or industrial use when a high noise level can be tolerated. Any structural development must meet the criteria for height restrictions as well as compatibility.

The following uses are hereby declared incompatible with the purpose of Airport Noise Zone A and are hereby expressly excluded for any part of this district located in Airport Noise Zone A:

1. All residential dwellings.
2. Auditoriums, concert halls music shells, and outdoor theaters.
3. Churches, schools, colleges, rest homes, and similar facilities.
4. Hospitals and clinics.
5. Office buildings.

6. Mortuaries, funeral homes and funeral chapels.
7. Industrial and manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
8. Any other use, which would create electrical interference with radio communications between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, and impair visibility in the vicinity of the airport.

Airport Noise Zone B is ordinarily a relatively low noise area with no restrictions. Hospitals, churches, auditoriums and such should consider sound control in design of facilities if located in this zone and especially if located in areas of this zone closest to the airport. The reason for the establishment of Noise Zone B is to notify the general public that such an area is in the established airport noise zones and as such may be subjected to noise pollution.

#### **Section 4-308. Space limitations.**

The following space limitations shall apply to structures and buildings associated with each principal permitted use, and each accessory use, except fences and signs:

##### ***Building Height Limit***

No building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet in height

##### ***Required Lot Area***

Not less than forty-three thousand five hundred sixty (43,560) square feet (1 acre).

Some permitted uses may be required to have larger amounts of land under State of South Dakota regulations governing sewage and waste disposal systems.

##### ***Percentage of Lot Coverage***

All buildings including accessory buildings shall not cover more than fifteen (15) percent of the area of the lot.

##### ***Yards Required***

Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front Yard Depth: Fifty (50) ft.
2. Rear Yard Depth: Fifty (50) ft.
3. Side Yard Depth: Not less than fifteen (15) feet but the sum of the two side yards shall not be less than thirty (30) feet.

4. Minimum set back from State Highway 14, 83, 34 and 1804 right-of-ways shall be seventy-five (75) feet for all residential structures.
5. Setback requirements for corner lots. Any lot facing a street on two adjacent sides is considered a corner lot and considered to have two front yards, each of which shall require the minimum front yard distance stated above.

### ***PLAT REQUIRED***

A land survey is required prior to issuing a building permit for any building under principal permitted uses and accessory uses.

**Source:** Ord. No. 2003-7, 2003; Ord. No. 2008-01, 2008; Ord. No. 2009-01, 2009.

### **Section 4-309. Performance standards.**

The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

1. Corrals or winter quarters in which animals are kept at a density of over ten head per acre or where feed bunkers or water are placed so that animals naturally tend to bunch up, or poultry houses, or kennels containing more than three dogs over six months of age, shall not be closer than 330 feet from any line adjoining properties which are used for residential, commercial, manufacturing or recreational purposes.
2. Such corrals shall maintain drainage, so as to avoid excessive concentration of contaminated water and such drainage shall be so arranged that contaminated water does not drain into water courses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.
3. Manure in corrals shall not be allowed to accumulate to objectionable proportions.
4. Adequate insect spray shall be applied to all of the feeding area during fly season as often as necessary to control the fly population.
5. All dead animals shall be removed within a reasonable length of time.
6. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials, which may have a tendency to create objectionable odors.
7. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.
8. Shelterbelts shall be fifty (50) feet from section line right-of-ways or twenty-five (25) feet from the exterior boundaries of the subdivision.

**Source:** Ord. No. 2000-7, 2000; Ord. No. 2007-08, 2007.

***Section 4-310 to 4-399, inclusive. Reserved.***