

SECTION 200 - ESTABLISHMENT OF ZONING DISTRICTS AND MAP REFERENCE

SECTION 201 - ESTABLISHMENT OF DISTRICTS

The County of Pennington is hereby divided into zoning districts as named and described in the following sections.

SECTION 202 - OFFICIAL ZONING MAP

The Official Zoning Map, together with all explanatory materials thereon and attached thereto, is hereby adopted by reference and declared to be part of these Zoning Ordinances. The Official Zoning Map bearing the signature of the Chairman of the Board, attested by the County Auditor, dated February 1, 1994, shall be on file in the Office of the Pennington County Planning and Zoning Department.

SECTION 203 - INTERPRETATION OF THE OFFICIAL ZONING MAP

Where, due to the scale, lack of detail or illegibility of any part of the Official Zoning Map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning and Zoning Director shall make an interpretation of said Map upon request of any person. The Planning and Zoning Director, the Commission and the Board, in interpreting the Official Zoning Map, shall apply the following standards:

- A. The detail of property boundaries shown on recorded or approved plats, tracts, lots, parcels or acreages shall, together with the record of Board action approving them or other zoning action separate from them, be superior to any other consideration.
- B. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of alleys, streets, right-of-ways, or water courses, unless such boundary lines are fixed by dimensions shown on the Official Zoning Map.
- C. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- D. Where zoning district boundary lines are so indicated that they approximately follow railroad lines, such zoning district boundary line shall be construed to lie midway between the main tracks of such railroad lines.
- E. Where zoning district boundary lines are so indicated that they approximately follow the limits of political jurisdiction, such boundary lines shall be construed as following such limits.
- F. Whenever any street, alley, Section Line or other public easement is vacated, the zoning district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.
- G. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the Commission shall interpret the proper zoning.

Any person aggrieved by any interpretation made by the Planning and Zoning Director may appeal such interpretation to the Commission and to the Board.

SECTION 204 - GENERAL DISTRICT PROVISIONS

A. Intent:

The following provisions shall apply to all zoning districts as applicable and shall further modify or define provisions within each district.

B. Accessory Uses:

Within each district there are certain accessory uses or structures which are commonly allowed within the district.

Permitted accessory uses shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in extent and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.
5. Not be interpreted to allow a structure or use which would be contrary to the use as allowed under the district.

C. Customary Home Occupation:

A customary home occupation is a gainful occupation or profession conducted by members of the immediate family residing on the premises and, no more than one (1) additional employee in residential districts, no more than two (2) additional employees in a Limited Agriculture District and no more than four (4) additional employees in a General Agriculture District. The home occupation shall be conducted entirely within an enclosed structure and no stock in trade shall be displayed outside the enclosed structure. Other than an approved home occupation sign, no alteration to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use.

D. Temporary Uses:

Within each district there may be certain seasonal or transient uses which are nonpermanent in nature and which do not alter the intent of the district. Temporary use permits for any district shall require a Conditional Use Permit as regulated in Section 510.

E. Height:

Within each district there are certain exceptions to the height requirement within the district. These exceptions include uses normally found within a district, such as a church spire, chimney, utility poles, or communication towers and antennas. Such exceptions to the height requirement shall not allow structures which are not clearly incidental to the primary use and shall in no way infer exceptions to height requirements within any FAA or militarily controlled airfield flight patterns.

F. Conditional Uses:

Within each district there are certain uses which are permitted as a Conditional Use in accordance with the provisions contained in Section 510 - Conditional Use Permits. The listed conditional uses under each district are illustrative of those which the Commission and the Board may approve temporarily, permanently or for a specific time interval. Other uses may be allowed, which are not listed, provided they are not contrary to the intent of the district in which they are to be located.

Uses which clearly do not meet the intent of the district may be specifically prohibited by the Board upon recommendation by the Planning Director or Commission.

G. Special Animal Keeping Regulations (except in Agricultural Districts A-I and A-II):

1. A large animal must be housed or stabled on at least one-half acre in accordance with the following minimum criteria:
 - a. Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept. The Commission may, at its discretion, require screening for reasons of safety or aesthetics to meet the requirements or conditions in a particular neighborhood.
 - b. Manure, urine, and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of groundwater or any lake or stream.
 - c. Animal housing or stabling shall be safe, humane, and generally consistent with the appearance of other structures appurtenant to residences in the same area.
 - d. No large animal shall be kept or allowed to run within 50 feet of adjoining residences. The foregoing is not applicable to adjacent property classified agriculture under SDCL 10-6-31.3.
 - e. By "large animal" is meant bovine or equine; as an equivalent it may include 5 sheep or 100 chickens.

H. Section Line Setbacks:

In all zoning districts, any part of any principal or accessory building or structure shall be set back a minimum of fifty-eight (58) feet from a Section Line. No set back shall be required from any legally vacated section line; however, if the vacated section line forms a property line, the applicable side, rear, or front yard setbacks shall be observed.

I. Standards for Manufactured Homes, Modular Homes and Site, or Stick Built Homes

1. Manufactured homes, modular homes and site, or stick-built homes may be constructed out of any of the following materials: wood, metal, stone, brick, stucco, masonry, adobe, concrete block, precast, or cement.
2. The siding may be constructed out of any of the following non-reflective materials: metal, vinyl, wood, simulated wood, brick, stone, stucco, masonry, or adobe. The reflections from all exterior siding shall not be greater than from siding coated with clean, white, gloss, or exterior enamel.
3. All roofs shall have a minimum pitch of 2 1/2 to 12 pitch and must be nonreflective.
4. The minimum dimensions of any single-family residence shall be twenty (20) feet by twenty (20) feet.
5. The domestic water connection to manufactured homes, modular homes, and site or stick built homes shall be identical to any dwelling in that zoning district. The waste disposal system shall be installed as required by the Pennington County Health Department.
6. All foundations to be installed as recommended by the manufacturer.
7. Manufactured homes, modular homes and site or stick built homes not meeting the above standards shall obtain a Conditional Use Permit in according with Section 510.

J. On-Site Wastewater Treatment Systems (Revised 03-28-12).

1. AUTHORIZATION AND JURISDICTION

a. Purpose:

The Pennington County Board of Commissioners adopts Section 204-J stating the procedures, standards, and enforcement which shall be used by the Planning Department, under the authority of the Planning Director, for the design, installation, inspection, and permitting of on-site wastewater treatment systems on any commercial or residential premises to promote clean water, to protect public health and the environment, and to prevent a nuisance.

b. Rules Adopted:

In addition to the requirements set forth in Section 204-J, all on-site wastewater treatment systems shall comply with the provisions of Chapter 74:53:01 (and any amendments thereto) of the Administrative Rules of South Dakota. Pennington County adopts and incorporates herein by this reference, the Administrative Rules of South Dakota, Chapter 74:53:01, as minimum standards relating to public

health and environmental quality and said Administrative Rules shall supersede all local minimum standards previously enacted that are inconsistent with Section 204-J.

c. Authority:

This section of the Zoning Ordinance is enacted pursuant to the authority granted in Title 7 of the South Dakota Codified Laws and Chapter 74:53:01 of the Administrative Rules of South Dakota for the protection of public health and the safety and welfare of the citizens of Pennington County.

d. Jurisdiction:

The Pennington County Board of Commissioners shall have the authority to delegate the administration and enforcement of Section 204-J to the Planning Director, as provided herein. Nothing in Section 204-J, however, shall be construed to restrict or abrogate the authority of any sanitary district or township in Pennington County to adopt an On-site Wastewater Treatment Systems Ordinance that meets or exceeds the standards set by Section 204-J.

e. Public Nuisance:

Any on-site wastewater treatment system that is found by the Planning Department to be malfunctioning or failing, as defined in Section 103 and in accordance with South Dakota Codified Law, is presumed to create an imminent danger to the public health, safety and welfare and is hereby declared to be a nuisance subject to abatement and special assessment as allowed by law. Owners of a malfunctioning or failing on-site wastewater treatment system shall have 72 hours to notify the Planning Department.

f. Administration:

Section 204-J shall apply to all on-site wastewater treatment systems in Pennington County outside the jurisdiction of a municipality. Section 204-J shall be enforceable within the extraterritorial jurisdiction of a municipality to the extent the municipality does not currently regulate such systems or ceases to regulate such systems within its extraterritorial jurisdiction. Section 204-J shall also be enforceable within the boundaries of a sanitary district or township located within Pennington County, if the district or township does not regulate such systems or fails to regulate such systems in conformity with State of South Dakota or Pennington County laws and regulations.

g. Definitions. See Section 103 – Definitions.

2. OPERATING PERMIT

a. Administrative Requirements.

Inspections of existing on-site wastewater treatment systems are required by Pennington County to protect and enhance the quality of the surface water and groundwater resources and to avert adverse impacts upon public health and the environment. All on-site wastewater treatment systems within the jurisdiction of Pennington County shall obtain an Operating Permit.

b. Inspection of Existing On-site Wastewater Treatment Systems.

On-Site Wastewater Treatment System Operating Permit Application Procedure and Requirements.

- i. If an Operating Permit has never been issued to an owner of an on-site wastewater treatment system, Pennington County will, by mail, notify the owner of operating permit requirements, including inspections, schedules and fees. The initial implementation of the Operating Permit program will include prioritization, based upon the proximity of an on-site wastewater treatment system to surface water and/or areas where aquifers are recharged. Full implementation of the program may take up to six (6) years.
- ii. All owners of an on-site wastewater treatment system shall obtain an On-site Wastewater Treatment System Operating Permit for the operation and maintenance of such a system when notified by Pennington County.
- iii. An administrative fee for the On-site Wastewater Treatment System Operating Permit shall be required for operation and maintenance of any on-site wastewater treatment system in Pennington County.

Procedure for Obtaining An Operating Permit.

- aa. Pennington County will send permit renewal letters at least 60 days prior to the expiration date of an On-site Wastewater Treatment System Operating Permit.
- bb. The septic tank or holding tank shall be pumped. The owner of the on-site wastewater treatment system will be responsible for the scheduling of the pumping with a septic liquid waste pumper of his/her choice. The on-site wastewater treatment system shall be pumped no later than

30 days after actual receipt of the initial or permit renewal notification letter from Pennington County.

cc. An Observation Form will be filled out by a septic liquid waste pumper and submitted to Pennington County for review. The Observation Form shall include:

- The name of the owner of the on-site wastewater treatment system.
- The physical address of the property on which the on-site wastewater treatment system is located.
- The property identification number (tax ID) and legal description of the property (to be filled out by Pennington County Planning personnel).
- Date and time of inspection and person(s) who performed inspection.
- Basic site evaluation.
- Size and type of septic or holding tank.
- A description of the current operation status of the system.
- Any other pertinent observations made by the septic liquid waste pumper.
- GPS coordinates of septic tank, if possible.

dd. Pennington County will review the Observation Form and prepare and complete an Inspection Summary Form, if necessary, to determine compliance with Section 204-J.

iv. If Pennington County determines that the on-site wastewater treatment system is in violation of Section 204-J, notification will be sent to the property owner within 30 days following pumping of the septic tank. Requirements for repair, alteration or replacement will be included in the notification.

aa. If repair, replacement, or alteration of any major component(s) is required, an on-site wastewater treatment system Construction Permit Application shall be submitted including the appropriate fees as determined in Section 204-J-3-r-i.

bb. Pennington County shall inspect the system for compliance after the repair, replacement, or alteration of any major component(s) of the system.

cc. Fees are required for additional inspections, if the system is found to violate Section 204-J.

- v. If Pennington County finds that the on-site wastewater treatment system is in compliance with Section 204-J, the On-site Wastewater Treatment System Compliance Fee will be collected and an Operating Permit will be issued to the owner of the on-site wastewater treatment system.
- vi. The On-site Wastewater Treatment System Operating Permit shall expire six (6) years after the issue date.
- vii. Pennington County may require a different permit frequency for which an on-site wastewater treatment system needs an On-site Wastewater Treatment Systems Operating Permit:
 - aa. For non-residential structures.
 - bb. For unique, unusual or alternative on-site wastewater treatment systems.
 - cc. When the on-site wastewater treatment system is determined by Pennington County to be inadequate for the current use or size of the structure it serves.
 - dd. When a valid On-site Wastewater Treatment Systems Operating Permit has not been issued prior to any sale, transfer or change in designation of the property.
 - ee. When the property is located in close proximity to surface water or within the aquifer recharge area or overlay district.
 - ff. For any other reason that Pennington County considers necessary to protect public health and the environment or prevent a nuisance.
 - gg. Commercial on-site wastewater treatment systems.
- viii. Pennington County may take samples including, but not limited to, soils, surface water and wells on or near the on-site wastewater treatment system to ensure proper function of the system. The results of such testing will be available to the property owner.
- ix. Pennington County will notify the homeowner 60 days prior to expiration of the Operating Permit.

c. Limitations on Sale, Transfer, or Change in Designation.

- i. Prior to any sale, transfer or change in the designation of a property, all of the following shall occur:
 - aa. Pennington County will have reviewed the request to determine if the property has a current On-site Wastewater Treatment Systems Operating Permit or requires an On-site

Wastewater Treatment Systems Operating Permit. A current On-site Wastewater Treatment Systems Operating Permit is transferable up to the last year of the existing term of the permit.

- bb. Pennington County will have determined that the on-site wastewater treatment system on the parcel or lot is not creating a health hazard, a nuisance and is protective of the environment, and issues the initial On-site Wastewater Treatment Systems Operating Permit.
 - cc. Any necessary repairs, alterations or system upgrades will have been completed and in compliance with this Ordinance.
 - dd. Any property owner or person purchasing a property containing an on-site wastewater treatment system may request to implement the process for issuance of a new On-site Wastewater Treatment Systems Operating Permit.
 - ii. It is the responsibility of the property owner to notify Pennington County prior to the sale or transfer of property.
 - iii. The owner of a property containing an on-site wastewater treatment system shall provide evidence to a prospective buyer or transferee, prior to closure, of compliance with Section 204-J.
- d. Change in Structure Served by an On-Site Wastewater Treatment System.

When a structure on a property is altered or replaced and is currently served by an on-site wastewater treatment system, Pennington County shall require the owner of the property to obtain an On-site Wastewater Treatment Systems Operating Permit prior to the issuance of a Building Permit, if the newly constructed or altered structure's number of bedrooms increases from the original structure for which the existing on-site wastewater treatment system served, Pennington County shall require:

- i. The on-site wastewater treatment system to be sized correctly for the newly constructed or altered structure; and,
 - ii. An On-site Wastewater Construction Permit.
- e. On-Site Wastewater Treatment System Compliance Fee.

Any person who owns property on which an on-site wastewater treatment system is located shall pay an administrative fee of \$20.00 each time an Operating Permit

for the system is issued or renewed. The revenue from these fees will support administration of Pennington County's Clean Water programs.

3. INSTALLATION, ALTERATION AND REPAIR

a. Legal, Nonconforming On-Site Wastewater Treatment System.

Any on-site wastewater treatment system existing at the time of adoption of Section 204-J, which is not in violation of any Federal, State, or Local Law, rule or regulation, may be continued in use until such time the system is found by Pennington County to be malfunctioning or failing, at which point the entire system, or any portion thereof which is deemed to have malfunctioned or failed, shall be brought into full compliance with the provisions of Section 204-J.

b. Administrative Requirements.

On-Site Wastewater Treatment System Required - The drainage system of each dwelling, building or premises covered herein shall receive all wastewater (including, but not limited to, bathroom, kitchen, and laundry wastes) and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be made to an on-site wastewater treatment system found to be adequate and constructed, installed and maintained in accordance with the requirements of Section 204-J.

Repair of A Failing System - Whenever an on-site wastewater treatment system is found by Pennington County to be malfunctioning or failing, or to cause a nuisance, the owner shall take the necessary action to cause the condition to be corrected or eliminated or otherwise to come into compliance. Corrective action shall be completed by the owner of a malfunctioning or failing system in accordance with Section 204-J-5-a.

c. General Requirements.

Units Required in An On-Site Wastewater Treatment System - The on-site wastewater treatment system shall consist of the following components:

- i. A building sewer.
- ii. A septic tank.
- iii. An absorption system. This may be a standard trench, a chambered trench, an absorption bed, or alternative or experimental systems as specified in Section 204-J, depending on location, topography, soil conditions and groundwater table.
- iv. A holding tank, if a conventional, alternative, or experimental system cannot be used.

Multiple-Family Dwelling Units – multiple single-family dwelling units under individual ownership shall not be served by a single on-site wastewater treatment system except where that system is under the sponsorship of a management district or a body politic or in extenuating circumstances, when individual systems are not feasible. Plans and specifications for such systems shall be submitted to and approved by DENR prior to submission to Pennington County.

d. Design Requirements.

Site Location and Installation.

- i. On-site wastewater treatment systems are not suitable for all areas and situations. Location and installation of each system, or other approved means of treatment, shall be such that with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, public health hazard, or endanger the quality of any waters of the state. Systems shall be located on the same lot as the building served whenever possible.
- ii. In determining a suitable location for the system, due consideration shall be given to such factors as: size and shape of the lot; slope of natural and finished grade; location of existing and future water supplies; depth to groundwater and bedrock; soil characteristics and depth; potential flooding or stormwater catchments; possible expansion of the system, and future connection to a public sewer system.
- iii. The depth of a well is determined by the static water level in the well for setback requirements.

Replacement Area For Absorption System - Properties with severe soils (as defined by the United States Department of Agriculture Soil Survey), less than 3 acres in size, located over an aquifer recharge area, contain 100-year floodplain or any other constraint that would restrict the location and installation of an on-site wastewater treatment system will require a replacement area for the absorption system. This may require additional soil profile and percolation information at the location of the replacement area as determined by the Environmental Planner. This area must be designated on the site plan and kept free of permanent structures, traffic, or adverse soil modification.

Tracer Wire Required – In order to assist in the location of on-site wastewater treatment system components located below ground, all new or replacement absorption systems shall have tracer wire installed. All tracer wire shall be No. 12 solid single strand type TW or THHN, or equivalent. The tracer wire shall be accessible at the tank cleanout and shall extend along the building sewer from the house to the tank, around the septic tank access hole, and from the tank through

all system trenches or around the perimeter of any bed, mound or evapotranspiration system. To prevent corrosion, all buried ends of the tracer wire and all wire splices shall be sealed with an approved direct bury splice kit or gel-type connector. All tracer wire installation shall be inspected during the final inspection by Pennington County and prior to back filling. The installer is responsible for ensuring that the tracer wire has conductivity.

e. Housing Subdivisions and Planned Unit Developments.

Review Criteria For Establishing On-Site Wastewater Treatment System Feasibility Of Proposed Housing Subdivisions And Other Similar Developments - On-site Wastewater Treatment systems shall meet the requirements of Pennington County Subdivision Regulations Section 500.10 and Section 204-J.

f. Variances.

Variances to ARSD § 74:53:01 must be approved through DENR prior to submission of an On-site Wastewater Treatment System Construction Permit Application to Pennington County.

g. Exceptions.

Requirements For An Exception To This Ordinance – The purpose of an exception is to modify specific requirements of this Ordinance in the case of exceptionally irregular conditions whereby such application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of their property. Justification for the need of the exception must be provided and is such that they will not cause a violation of any existing water quality standard, cause a health hazard, or create a nuisance.

Application Requirements For Exceptions:

- i. Information demonstrating that connection to a public or community-based sewerage system is not available, there is no other option for sewage treatment, and site conditions prevent construction or use of an on-site wastewater treatment system that is in compliance with Section 204-J.
- ii. A detailed description of the proposed system, including engineering and/or reliability information, if necessary, and information about its proposed location and proposed replacement area.
- iii. An operation, maintenance and troubleshooting plan to keep the installed system operating as described in the application.

- iv. A contingency plan describing how a system that cannot meet the requirements of Section 204-J will be replaced.
 - v. Approval letter from DENR, if necessary.
 - vi. Final approval from Pennington County.
- h. Soil and Groundwater Requirements.

General Requirements - A suitable soil for absorption systems shall meet the following criteria:

- i. Have the capacity to adequately disperse the designed effluent loading as determined by field percolation rates and/or visual inspection of soil exploration, and;
- ii. Does not exhibit inhibiting swelling or collapsing characteristics, and;
- iii. Does not visually exhibit a jointed or fractured pattern of underlying bedrock, and;
- iv. Meets the requirements of ARSD § 74:53:01:15.

Groundwater Requirements:

- i. The seasonal high groundwater table shall be determined by direct visual observation of the maximum groundwater table in a soil exploration pit. The observation of soil in a soil exploration pit may show evidence of crystals of salt left by the seasonal high groundwater table, or chemically reduced iron in the soil, reflected by a mottled coloring if water is not visible in the soil exploration pit.
- ii. A curtain drain or other effective groundwater interceptor may be required to be installed for an absorption system as a condition for its approval. Pennington County may require that the effectiveness of such devices in lowering the groundwater table be demonstrated, for a period of at least one year, during the season of maximum groundwater table elevation.

Soil Exploration Requirements:

- i. Pennington County will perform a preliminary evaluation of the site. A Preliminary Evaluation form is required for each new soil exploration pit. The form will include:
 - aa. The soil exploration log, including a statement of soil explorations to a depth of eight feet or to a depth of at least

- four feet below the bottom of the proposed absorption system;
 - bb. A statement of the present and anticipated seasonal high groundwater table, and,
 - cc. A field/site evaluation.
- ii. Suitable soil exploration pits, of sufficient size to permit visual inspection by Pennington County (at least a two foot by five foot hole), and to a minimum depth of eight feet, or at least 48 inches below the bottom of proposed on-site wastewater treatment systems, shall be dug near each absorption system site to determine the groundwater table and subsurface soil and bedrock conditions. A log of the soil and bedrock formations encountered must be recorded describing the texture, structure, and depth of each soil type, the depth of the groundwater table encountered, and indications of the seasonal high elevation of the groundwater table. Soil logs should be prepared in accordance with the United States Department of Agriculture Soil Classification System.
 - iii. The preliminary evaluation is valid for two years from the evaluation date.
 - iv. Pennington County may impose stricter requirements as to the depth of absorption system excavation in order to meet the four foot separation requirements set forth in SDAR § 74:53:01:15.
 - v. The Pennington County Planning Department may require that soil evaluations be performed by a licensed or certified soil scientist or a representative from DENR.

Percolation Test Requirements:

At least three stabilized percolation tests for the design flow less than 2,000 gallons per day, or six tests, if the design flow is more than 2,000 gallons per day but less than 5,000 gallons per day, shall be performed on the site of each absorption system to determine minimum required absorption area. More tests may be required where soil structure varies, where limiting geologic conditions are encountered, or where the proposed property improvements will require large treatment systems.

- i. When percolation tests are made, such tests shall be made at points and elevations selected as typical of the area in which the absorption system will be located. Consideration should be given to the finished grades of building sites so that test results will represent the percolation rate of the soil in which absorption systems will be constructed. After the suitability of any area to be

used for on-site wastewater treatment systems has been evaluated and approved for construction, no grade changes shall be made to this area unless Pennington County is notified and a reevaluation of the area's suitability is made prior to the initiation of construction.

ii. Test results shall be submitted on the On-site Wastewater Treatment System Construction Permit Application. The permit application shall contain the following:

- aa. The name and signature of the individual conducting the tests;
- bb. The date of the tests;
- cc. The location of the property;
- dd. The depth and rate of each test in minutes per inch;
- ee. All other factors affecting percolation test results; and,
- ff. Calculated average percolation rate.

iii. The percolation test results are valid for two years from the date the tests were performed.

i. Building Sewer and Distribution Pipe:

General Requirements - Building sewer and distribution pipe materials shall be composed of PVC and shall conform to the applicable standards as outlined in Tables in the section, and shall comply with the following:

i. Pipe, pipe fittings, and similar materials comprising building sewers are listed by material and applicable standard (See Table 1).

Table 1. Standards for Distribution and Building Sewer Pipe(a)(b).

MATERIALS	MINIMUM STANDARDS
Polyvinyl Chloride (PVC)	
PVC - Schedule 40 (foam or cell core is prohibited)	ASTM D 1785-06(c)
SDR-35 PVC (Gravity)	ASTM D 3034-08 (c)
PVC (Pressure)	ASTM D 2241-05 (c)

ii. The following is a list of solid-wall perforated pipe, approved as distribution pipe in absorption systems. Solid-wall pipe must be perforated in accordance with this Ordinance, and all burrs must be removed from the inside of the pipe. The pipe is listed by material and applicable standard (See Table 2).

Table 2. Standards for Perforated Pipe(a).

MATERIALS	MINIMUM STANDARDS
SDR-35 PVC	ASTM D 3034-08 (c)

- (a) Each length of building sewer and absorption system pipe shall be stamped or marked as required by the International Plumbing Code.
 - (b) Building sewers include (1) the pipe installed between the building and the septic tank and (2) between the septic tank and the distribution box (or absorption system). The installation of building sewers shall comply with the International Plumbing Code.
 - (c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
- iii. Where two different sizes or types of sewer pipes are connected, a proper type of fitting or conversion adapter shall be used.
 - iv. They shall have a minimum inside diameter of four inches. They shall have watertight, root-proof joints and shall not receive any groundwater or surface runoff. They shall be laid in straight alignment and on a firm foundation of undisturbed earth.
 - v. Building sewers shall be laid on a uniform minimum slope of not less than 1/4 inch per foot (2.08 percent slope).
 - vi. The lines shall have cleanouts every 100 feet and at all changes in direction or grade.
- j. Septic Tanks.

Septic Tank Design and Construction Requirements:

- i. The pipe entering and exiting the septic tank shall be at least six feet in length of Schedule 40 (see Table 1) and unperforated until the first tee, distribution box, or drop box before the absorption field is encountered.
- ii. Some septic tanks may have an effluent filter installed at the outlet of the tank. The filter shall prevent the passage of solid particles larger than a nominal 1/8-inch diameter sphere. The filter should be easily removed for routine servicing through watertight access from the ground surface.

Septic Tank Sizing (Minimum Capacities):

The minimum liquid capacity of septic tanks serving single-family dwellings shall be based on the number of bedrooms in all structures utilizing an on-site wastewater treatment system:

Table 3. Minimum Capacities for Septic Tanks.

Number of Bedrooms(a)	Minimum Liquid Capacity(Gallons)(b)(c)
1, 2, 3, or 4 (with or without garbage disposal)	1,500
5 (without garbage disposal)	1,500
For each additional bedroom, add	250

- (a) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling or structure(s) served, including the unfinished space available for conversion as additional bedrooms.
- (b) The liquid capacity is calculated on the depth from the invert of the outlet pipe to the inside bottom of the tank.
- (c) Table 3 provides for the normal household appliances, including automatic sequence washers and dishwashers. Add 20 percent to the total capacity for use of a garbage disposal for a dwelling or structure(s) having five or more bedrooms.

Septic Tank Installation Requirements:

- i. All tanks shall be located in an area which is accessible by a liquid waste pumper truck for the pumping of their contents. There shall be no structure(s) of any kind covering any of the tanks or impeding access to the tank(s) or require the truck to drive over the absorption system.
- ii. Flotation collars, one-piece tanks, or shallow belly tanks shall be used in areas with high groundwater potential.
- iii. Septic tanks installed in sensitive areas, such as an aquifer recharge area, may be required to be double-sealed if constructed of two separate pieces.
- iv. The tank inlet and outlet devices shall consist of baffles or sanitary tees at least four inches in diameter and constructed of PVC.

k. Discharge of Septic Tank Effluent to Absorption Systems.

General Requirements – Septic tank effluent shall be connected to the absorption system through watertight pipe and fittings. Tees, wyes, ells, or other distributing devices may be used as needed.

Tees and Wyes – Tees and wyes shall be installed level and not in line with any distribution pipe to permit equal flow to all branches of the fitting.

l. Absorption Systems.

General Requirements - Absorption systems shall be designed and installed at the shallowest practicable depth to maximize elements critical to effective treatment of effluent in the soil. The maximum depth of the absorption system shall be 36 inches unless an exception is granted by the Pennington County Planning Department. Excavation, grading and/or removal of topsoil are not permitted to meet absorption system depth requirements as it may compromise the integrity of the absorption system.

Determining Required Absorption System Area - Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category.

- i. In every case, sufficient absorption area shall be provided for at least three (3) bedrooms.
- ii. Any unfinished space available for conversion as additional bedrooms, Table 4, shall be determined by:
(Provisions of Table 4 shall apply to new construction and/or additions with unfinished space.)

Table 4. Determination of Additional Absorption System Area Based Upon Unfinished Space.

Square Footage of Unfinished Space	Bedrooms
144-1000	Add 1 additional
1001-2000	Add 2 additional
2001+	Add 3 additional

Gravelless Pipe Absorption Trenches and Gravelless Chamber Trenches:

- i. All gravelless pipe and chambers shall be approved by DENR.
- ii. Gravelless systems (pipe and chambers) shall be installed, according to specified manufacturer's instructions.

m. Alternative On-Site Wastewater Treatment Systems.

General Requirements:

- i. The certified installer of any alternative on-site wastewater treatment system must submit the following to DENR prior to submission to Pennington County:
 - aa. Detailed basis of design of all components.
 - bb. Site plan.
 - cc. Operation and maintenance instructions for the system which describe the activities necessary to properly operate, maintain, and troubleshoot the system.
- ii. Upon DENR approval, Pennington County must review and approve sufficient design, installation and operating information prior to installation.

n. Experimental On-Site Wastewater Treatment Systems.

Administrative Requirements:

- i. Where unusual conditions exist, experimental methods of on-site wastewater treatment and disposal may be employed provided they are approved by DENR and acceptable to Pennington County.
- ii. When considering proposals for experimental on-site wastewater treatment systems, Pennington County shall not be restricted by Section 204-J provided that:
 - aa. The experimental system proposed is attempting to resolve an existing pollution or public health hazard, or when the experimental system proposal is for new construction, it has been predetermined that an acceptable back-up wastewater system will be installed in event of failure of the experimental system.
 - bb. The proposal for an experimental on-site wastewater treatment system must be in the name of and bear the signature of the person who will own the system.
 - cc. The person proposing to utilize an experimental system has the responsibility to maintain, correct, or replace the system in event of failure of the experimental system.

General Requirements:

- i. All experimental systems shall be designed, installed and operated under the following conditions:
 - aa. Pennington County may impose more stringent design, installation, operating and monitoring conditions than those required by DENR.
 - bb. All failures, repairs or alterations shall be reported to Pennington County. All repairs or alterations must be approved by DENR and Pennington County.
 - cc. Pennington County shall require a signed contract between the homeowner and a licensed/certified O&M service provider prior to approval of the experimental on-site wastewater treatment system. The contract shall be maintained for the duration the on-site wastewater treatment system is utilized. The contract must be filed with the Pennington County Planning Department and updated if any changes are made or a new contract is established.
- ii. All experimental systems must be submitted by the applicant to DENR and approved through DENR prior to submission to Pennington County.
- o. Sewage Holding Tanks.

Administrative Requirements - Sewage holding tanks are permitted only under the following conditions:

- i. Where an on-site wastewater treatment system, for an existing dwelling, has failed and installation of a replacement on-site wastewater treatment system does not meet the requirements of Section 204-J; or,
- ii. For other extenuating situations where Pennington County agrees that a conventional, alternative or experimental system will not meet the criteria set forth in Section 204-J.

Requests for the use of sewage holding tanks must receive approval from Pennington County prior to installation.

General Requirements:

- i. A statement must be submitted by the owner indicating that, in the event his sewage holding tank is approved, he or she pump the tank periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of 40 C.F.R. Part 503. The agreement shall be filed with the Pennington County Planning Department and updated if any changes are made or a new agreement is established.
- ii. Pumping records, maintenance records and manifests must be kept by the owner for a period of six years for review by Pennington County to ensure pumping of the holding tanks.
- iii. Pennington County may require that sewage holding tanks be filled with water and allowed to stand overnight to check for leaks. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired.
- iv. Holding tanks that receive both black and gray water (combined) the capacity of the tank must hold a minimum of seven days sewage flow or 1,500 gallons, whichever is greater.
- v. Holding tanks which receive only gray water, the capacity of the tank must hold a minimum 1,500 gallons.
- vi. Holding tanks which receive only black water, the capacity of the tank must hold a minimum seven days sewage flow or 1,000 gallons, whichever is greater.
- vii. All tanks shall be located in an area which is accessible by a pumper truck for the pumping of their contents. There shall be no structure of any kind covering any of the tanks or impeding access to the tank(s).
- viii. Must be located in an area where it will not tend to float out of the ground due to a high groundwater table or a saturated soil condition, since it will be empty or only partially full most of the time. In areas where the groundwater table may be high enough to float the tank out of the ground when empty or partially full, adequate ground anchoring procedures shall be provided.
- ix. There shall be no discharge of effluent from a holding tank that receives black water or combined black and gray water.

- x. Septic tanks and cisterns shall not be allowed to be used as a holding tank.

p. Service Providers.

Applicability – This section does not apply to a person who is employed by, or performs labor and services for:

- i. A certified installer in connection with the construction, installation, repair, or alteration of an on-site wastewater treatment system performed under the direct and personal supervision of the certified installer.
- ii. A pumper in connection with the pumping of septic tanks, pump tanks, media filters, and ATU's performed under the direct supervision of the pumper.
- iii. An O&M Service Provider in connection with the operation and maintenance of alternative, experimental or unconventional, on-site wastewater treatment systems performed under the direct supervision of the O&M Service Provider.

Requirements For All Service Providers – All service providers operating in Pennington County must:

- i. Have a Sales and/or Excise Tax License Number; and,
- ii. Have general liability insurance.

Proof of these documents must be registered with the Planning and Zoning Department prior to any work on on-site wastewater treatment systems in Pennington County and submitted with any necessary applications. Property Owners and/or homeowners installing an on-site wastewater treatment system on his or her own property that are certified installers of on-site wastewater treatment systems (as described below under INSTALLERS) are exempt from the sales and/or excise tax license and liability insurance requirements of service providers.

Installers:

Installer Certification Required - No person shall construct, install, alter, repair or offer to construct, install, alter or repair an on-site wastewater treatment system in Pennington County without certification from Pennington County.

Requirements – Pennington County shall issue certification to an applicant who satisfies all of the following requirements:

- i. Is at least 18 years of age;

- ii. Has received certification from South Dakota DENR for installation of on-site wastewater treatment systems;
- iii. Submits a properly completed application to Pennington County;
- iv. If the applicant has prior experience providing on-site wastewater treatment system services and has a current DENR installer certification, he or she must complete one of the following:
 - aa. Pass the National Environmental Health Association (NEHA) Certified Installer Examination (Basic or Advanced); or,
 - bb. Attend eight-hour Installer Education Course; or,
 - cc. Obtain Continuing Education Credits (minimum eight hours of contact time); or
- v. If the applicant has no prior experience, he or she must, at a minimum, pass the NEHA Basic On-site Wastewater Installer Certification Exam.

Pennington County shall require continuing education as a condition of certification and renewal. The Board of Commissioners, or its designee, shall determine the number of hours, a minimum of eight contact hours, per year. The Board of Commissioners, or its designee, may approve a continuing education program or course if that program or course provides useful educational information or experience that will enhance the construction, installation, repair, or alteration of on-site wastewater treatment systems.

Certification Renewal - All certifications shall expire two years from the application date. To renew a certification, an installer must submit an application for renewal and meet one of the following conditions:

- i. Attend eight-hour Installer Education Course; or,
- ii. Obtain Continuing Education Credits (minimum eight hours of contact time); or,
- iii. Pass the NEHA Certified Installer Examination (Basic or Advanced)

Liquid Waste Pumpers:

Pumper Certification Required - No person or entity shall pump septic tanks, pump tanks, holding tanks, and ATU's in Pennington County without meeting the requirements set forth in "Requirements for All Service Providers" above.

Requirements - A pumper who fills out an Observation Form for the purposes of the issuance of an Operating Permit, must, at a minimum, obtain the South Dakota DENR certification for installing on-site wastewater treatment systems.

Service Providers, O&M:

O&M Certification Required - No person shall perform operation and maintenance, typically on alternative, experimental or unconventional, on-site wastewater treatment systems in Pennington County without meeting the requirements set forth in "Requirements for All Service Providers" above.

Requirements – An O&M service provider must meet one of the two criteria:

- i. Be certified through manufacturer of equipment to be serviced or maintained, or,
- ii. Pass the NEHA Advanced Certified Installer Examination.

Timeframe For Which To Comply - All service providers operating in Pennington County for the purpose of constructing, installing, repairing, altering, servicing, maintaining or pumping on-site wastewater treatment systems must comply by February 11, 2011.

- q. Inspection of newly installed, altered or repaired on-site wastewater treatment systems.

New Construction, Installation, Alteration Or Repair - A person intending to construct, install, alter or repair a major component of an on-site wastewater treatment system shall, before construction begins, apply to Pennington County for an On-site Wastewater Treatment System Construction Permit. That person shall not begin construction until Pennington County approves the On-site Wastewater Treatment System Construction Permit Application and the Preliminary Evaluation is complete. The process for obtaining an On-site Wastewater Treatment System Construction Permit will include the following:

- i. The property owner shall submit an On-site Wastewater Treatment System Construction Permit Application, which could include:
 - aa. Type of system.
 - bb. Components of the system.
 - cc. Size of septic tank or holding tank.
 - dd. Size of drainfield.
 - ee. Distance of system to pertinent areas (i.e. setbacks).
 - ff. Site plan.
 - gg. Floor plan of dwelling, including all finished and unfinished areas.
 - hh. Field evaluation.
 - ii. Soil profile log.
 - jj. Percolation test information.
 - kk. Source and location of domestic water supply.
 - ll. Replacement Area for absorption system.

mm. Printed name and signature of certified installer.

The On-Site Wastewater Treatment System Construction Permit for a new on-site wastewater treatment system shall remain valid for 24 months from the date of issuance. The Planning Director may allow the term of the On-site Wastewater Treatment System Construction Permit to be extended for a 12-month period. The On-Site Wastewater Treatment System Construction Permit for a repair, alteration, or replacement to an existing system shall remain valid for 6 months from the date of issuance. If the on-site wastewater treatment systems are not completed within the time limits as listed above, the permit, including any variances or decisions issued through the exception process or by the Planning Director, shall expire

- ii. Pennington County will conduct a Preliminary Evaluation of the proposed system. If the Preliminary Evaluation is acceptable, Pennington County will notify the property owner that construction of the system may begin. If the Preliminary Evaluation is not acceptable, Pennington County will specify changes or additions that must be made to the permit application to make it acceptable. The property owner may not begin construction until the Preliminary Evaluation is complete and acceptable.
- iii. Following construction of the system and before backfill of the system, Pennington County will conduct an on-site wastewater treatment system inspection.
- iv. Pennington County will complete a Final Evaluation Form, which includes:
 - aa. System Sizing.
 - bb. Trench or bed configuration, if applicable.
 - cc. Engineered design and DENR approval, if applicable.
 - dd. Setbacks.
 - ee. Final "as-built" drawing of system – must be signed by an Installer certified in Pennington County.
 - ff. GPS coordinate of septic tank.
- v. Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued.
- r. **Construction Permit Fees. (Effective June 6, 2012)**

Fees to cover expenses, including, but not limited to: administration, overhead, labor, storage, training, mileage, analytical testing, etc., by the Planning and

Zoning Department, shall be set by resolution by the Pennington County Board of Commissioners.

On-Site Wastewater Treatment System Construction Permits:

- i. The permit fee of an on-site wastewater treatment system shall be \$250.00.
- ii. The \$250.00 fee allows for two on-site inspections. Any additional inspections will require a fee of \$100.00.
- iii. For inspections outside normal office hours, the rate shall be \$250 in addition to the original fee.

4. Exemption For Operating Permit

a. Qualifications For Exemption:

To qualify for the exemption, the following criteria must be met:

- i. The land consists of not less than 40 acres of unplatted land; and,
- ii. The land is not zoned Commercial, or Industrial.

5. Administration and Enforcement

a. Notice of Non-Compliance and Corrective Action:

Upon receiving written notice from Pennington County of a violation of this Ordinance, the owner of the property containing such on-site wastewater treatment system shall, within 30 days, submit a proposed corrective action. Pennington County shall review the proposed corrective action and amend it as required to conform to this Ordinance. The owner shall complete all necessary corrective actions within a maximum of 180 days following approval from Pennington County. Once final approval of the completed corrective action is granted, the system shall be deemed in compliance with this Ordinance.

b. Appeals:

Appeal to the Pennington County Planning Director:

An owner aggrieved by the decision made pursuant to Section 204-J, referencing their on-site wastewater treatment system, may appeal to the Pennington County Planning Director. The appeal must be in writing and must specify the grounds for appeal. The written appeal must be received by the Pennington County Planning Department no later than 30 days after actual receipt of the Notice of Non-Compliance by the owner or after the date of the Notice of Non-Compliance is mailed by the Planning Department, whichever is sooner. The Notice of Decision from the Planning Director, on that appeal, shall be mailed within 30 days after the receipt by the Planning Department of a timely appeal.

If the appeal to the Planning Director is denied, the owner may file a second appeal with the Pennington County Planning Commission. If the owner chooses not to file a second appeal, the owner shall complete all necessary corrective actions within a maximum of 180 days following the date the Notice of Decision was received. If the appeal is granted, the Planning Director will notify the owner with a Notice of Decision by mail.

Appeal to the Planning Commission:

If the appellant is not satisfied with the Pennington County Planning Director's decision, the appellant may file a second written appeal to be heard by the Pennington County Planning Commission. Such an appeal shall be filed with the Pennington County Planning Department no later than 30 days after receipt by the appellant of the Planning Director's decision or 30 days after the date the Notice of the Decision is mailed by the Pennington County Planning Department, whichever is sooner. The Planning Commission meets the second and fourth Monday of each month. The agenda for each meeting is prepared the first and third Monday of each month. A Notice of Hearing will be mailed to the appellant at least 14 days prior to their scheduled hearing date. The Planning Commission's decision and/or recommendation shall be forwarded to the next scheduled Pennington County Board of Commissioners meeting. The Board of Commissioners shall vote to uphold, overrule, or amend the decision and/or recommendation of the Planning Commission. The decision shall be final.

K. Adult Oriented Businesses:

It is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, and are not compatible with certain uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area.

No more than one adult use may be established, operated, or maintained within 2,500 feet of another adult use as measured from the closest point of the outside wall of the building or tenant space.

~~None of the following uses may be established, operated, or maintained within one thousand (1,000) 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 cabaret
5. Adult motel
6. Nude model studio
7. Adult video store
8. Adult novelty store.

Any Conditional Use approved by the Planning Commission or County Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Planning Commission or County Commission can require additional stipulations at their discretion. In all cases, the impact of the proposed use on the adjacent properties will be a major consideration.

1. That the proposed use will not be injurious to adjacent properties and that the spirit and intent of this ordinance will be observed.
2. That the proposed use will not enlarge or encourage the development of a "skid row" area or reduce the property values within 1,000 feet of the subject property.
3. That the establishment of such use will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
4. That all applicable regulations of this Ordinance will be observed.
5. That the normal and orderly development and improvement of adjacent vacant properties will not be negatively impacted.
6. That the proposed use(s) will not produce offensive odors, fumes, dust, noise, vibration, or lighting in any amount that will constitute a nuisance.

SECTION 205 - A-1 GENERAL AGRICULTURE DISTRICT

A. Intent:

The intent of the A-1 General Agriculture District is to provide a district that will support and encourage agriculture.

B. Permitted Uses:

All agricultural uses shall be allowed in the A-1 General Agriculture District, including, but not limited to, the following:

1. General farming and harvesting.
2. General ranching and grazing.
3. Animal and poultry husbandry.
4. Sod and tree farming.
5. Apiculture.
6. Forest preserves.
7. Roadside stands exclusive for sale of products raised on the premises.
8. Manufactured homes, modular homes, and site or stick-built homes in compliance with Section 204-I.
9. Water treatment, purification, storage and pumping facilities.
10. Transportation and utility easements and rights-of-way.
11. Accessory uses and structures (as regulated in Section 204-General District Provisions).
12. Nurseries and greenhouses.
13. Temporary quarries.
14. Sawmills.
15. Business and Community signs.
16. Drilling for oil or natural gas or the extraction of sand, gravel, or minerals, provided that a Construction Permit is obtained in accordance with these Zoning Ordinances.
17. Mining provided a Construction Permit is obtained in accordance with these Zoning Ordinances.
18. Family Daycare Home.
19. Isolated cabins and recreation residences, including groups of residences on National Forest Land.
20. Home Offices.
21. Telecommunication Facilities in accordance with Section 316.
22. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.
23. Meteorological tower, as part of a wind farm, in accordance with Section 317.

C. Conditional Uses:

The following uses are illustrative of those which may be permitted upon review by the Board upon recommendation of the Commission according to the provisions contained in Section 510 - Conditional Use Permits:

1. Commercial feed lots.
2. Kennels and catteries.
3. Livestock auction yards.
4. Fur farms.

5. Fish hatcheries.
6. Home occupations (as regulated in Section 204 - General District Provisions).
7. Organized group camps.
8. Churches and other religious structures and cemeteries.
9. Airports, schools, playgrounds, parks, fairgrounds, and community centers.
10. Public service structures, such as fire stations, police stations, and post offices.
11. Utility substations and electric generation facilities.
12. Gun and archery ranges, riding stables and academies.
13. Temporary uses as regulated by Section 204 - General District Provisions.
14. Advertising signs.
15. Lodge hall, etc.
16. Recreational resort area; provided all requirements of a Planned Unit Development are met (See Section 213).
17. Historical monuments and structures.
18. Solid waste disposal sites.
19. Child Care Center.
20. Seasonal Cabin/Dwelling.
21. Model Home and Sales Office.
22. Manufactured homes, modular homes, and site or stick-built homes not in compliance with Section 204.
23. Contractor's equipment storage yard.
24. Multiple-family dwellings and housing for hired help.
25. Farmers Markets, Deli's and Bakery's.
26. Recreational vehicle as temporary living quarters. (This ordinance shall not allow multiple recreational vehicles as temporary living quarters on the same parcel and shall not allow additional living quarters when living quarters already exist on the property). The site must have an approved wastewater disposal system including bathroom/shower facilities and an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system. The recreational vehicle shall not be used as temporary living quarters on premises for more than 180 days per calendar year.
27. Small Wind Energy System in accordance with Section 317.
28. Large Wind Energy System in accordance with Section 317.
29. Wind Farm in accordance with Section 317.
30. Guest House in accordance with Section 318.
31. Vacation Home Rental in accordance with Section 319.

D. Minimum Lot Requirements:

There are no lot dimensions required. The minimum area is forty (40) acres or a government lot when surrounded by public land. However, when the lot is to be occupied as a residence of someone directly engaged in the operation of a farm or ranch, the Commission may instruct the Planning Director to issue one additional permit.

E. Minimum Setback Requirements:

All structures shall have front, side, and rear setbacks of twenty-five (25) feet from the property lines.

F. Structure Placement and Lot Coverage:

No accessory structure exceeding 5,000 square feet in area and/or thirty-five (35) feet in height shall be located closer than five hundred (500) feet from any residential zoning district without a Variance.

SECTION 206 - A-2 LIMITED AGRICULTURE DISTRICT

A. Intent:

To establish areas for limited agricultural and low-density residential uses.

B. Permitted Uses:

Property and buildings may include, but are not limited to the following purposes:

1. General farming and harvesting, not including fur farms.
2. General ranching and grazing not including commercial feed lots or rendering plants.
3. Animal and poultry husbandry.
4. Sod and tree farming.
5. Apiculture.
6. Forest preserves.
7. Roadside stands exclusively for the sale of produce raised on the premises.
8. Manufactured homes, modular homes, and site or stick-built homes in compliance with Section 204-I.
9. Water treatment, purification, storage, and pumping facilities.
10. Transportation and utility easements and rights-of-way.
11. Historical monuments and structures.
12. Accessory uses and structures (as regulated in Section 204 - General District Provisions).
13. Parks, playgrounds, play fields and community centers.
14. Nurseries and greenhouses.
15. Family Daycare Center.
16. Home Offices.
17. Community Signs.
18. Telecommunication Facilities in accordance with Section 316.
19. Small Wind Energy system, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

The following uses may be permitted upon review by the Board upon recommendation of the Commission according to the provisions contained in Section 510 - Conditional Use Permits:

1. Fish hatcheries.
2. Country clubs, driving ranges, and golf courses.
3. Home occupations (as regulated in Section 204 - General District Provisions).
4. Organized group camps.
5. Churches and other religious structures and cemeteries.
6. Multiple-family dwellings and housing for hired help.

7. Schools, playgrounds, and fairgrounds.
8. Swimming pools and tennis courts.
9. Public service structures, such as fire stations, police stations, and post offices.
10. Community centers.
11. Utility substations.
12. Kennels, catteries, and animal hospitals.
13. Gun and archery ranges, riding stables, and academies.
14. Mobile homes (as regulated in Section 304 - Mobile Homes).
15. Neighborhood commercial uses (as regulated in Section 302 - Neighborhood Commercial).
16. Lodge hall, etc.
17. Sawmill.
18. Child Care Center.
19. Seasonal Cabin/Dwelling.
20. Model Home and Sales Office.
21. Manufactured homes, modular homes, and site or stick-built homes not in compliance with Section 204.
22. Contractor's equipment storage yard.
23. Recreational vehicle as temporary living quarters. (This ordinance shall not allow multiple recreational vehicles as temporary living quarters on the same parcel and shall not allow additional living quarters when living quarters already exist on the property). The site must have an approved wastewater disposal system, including bathroom/shower facilities and an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system. The recreational vehicle shall not be used as temporary living quarters on premises for more than 180 days per calendar year.
24. Small Wind Energy System in accordance with Section 317.
25. Large Wind Energy System in accordance with Section 317.
26. Guest House in accordance with Section 318.
27. Vacation Home Rental in accordance with Section 319.

D. Minimum Lot Requirements:

1. Lot Area

All permitted uses together with all accessory uses shall be located on a lot having a minimum of ten (10) acres, exclusive of dedicated public streets or platted private drives.

2. Lot Width

Lots shall abut a dedicated public street for a distance of not less than fifty (50) feet or shall have access to a public street by way of a platted private drive or an easement approved pursuant to the provisions of Section 313.

E. Minimum Setback Requirements:

All structures shall have front, side and rear setbacks of twenty-five feet from the property lines.

F. Maximum Height:

No structure shall exceed two and one-half stories or thirty-five (35) feet in height without a Variance.

G. Structure Placement and Lot Coverage:

All accessory structures exceeding 5,000 square feet in area and/or thirty-five (35) feet in height shall be located at least five hundred (500) feet from any residential district without a Variance.

SECTION 207 - LDR LOW DENSITY RESIDENTIAL DISTRICT

A. Intent:

To allow low density residential areas by design or to establish low density residential areas which may not be suited to higher density development by reason of topography, geology, drainage, or similar problems.

B. Permitted Uses:

Property and buildings may include, but are not limited to the following purposes:

1. Manufactured homes, modular homes, and site or stick-built homes in compliance with Section 204-I.
2. Transportation and utility easements and rights-of-way.
3. Accessory uses and structures (as regulated in Section 204 - General District Provisions).
4. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work and shall require a temporary Building Permit. Temporary living quarters shall require an accessory Building Permit.
5. Family Daycare Home.
6. Home Offices.
7. Community Signs.
8. Telecommunication Facilities in accordance with Section 316.
9. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

The following uses are illustrative of those which the Board may approve. Other uses may be allowed, provided they are not found to be contrary to intended uses of the district under consideration. (See Section 204-F):

1. Home occupations (as regulated in Section 204 - General District Provisions).
2. Parks, play grounds, play fields, and community centers.
3. Utility substations.
4. Schools, including childcare centers and kindergartens.
5. Churches or similar places of worship.
6. Public service structures, such as fire stations, police stations, and post offices.

7. Libraries, museums and historical monuments, and structures.
8. Neighborhood commercial uses (as regulated in Section 302 - Neighborhood Commercial).
9. Multiple-family dwellings.
10. Mobile homes (as regulated in Section 304 - Mobile Homes).
11. Lodge hall, Veterans organization, service organizations.
12. Seasonal Cabin/Dwelling
13. Model Home and Sales Office
14. Manufactured homes, modular homes, and site or stick-built homes not in compliance with Section 204
15. Recreational vehicle as temporary living quarters. (This ordinance shall not allow multiple recreational vehicles as temporary living quarters on the same parcel and shall not allow additional living quarters when living quarters already exist on the property). The site must have an approved wastewater disposal system including bathroom/shower facilities and an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system. The recreational vehicle shall not be used as temporary living quarters on premises for more than 180 days per calendar year
16. Small Wind Energy System in accordance with Section 317.
17. Guest House in accordance with Section 318.
18. Vacation Home Rental in accordance with Section 319.

D. Minimum Lot Requirements:

1. All approved uses shall have a minimum lot size of three (3) acres, exclusive of dedicated public streets or platted private drives.
2. All lots shall have a minimum lot width of one hundred (100) feet at the front building line.
3. Lots shall abut a dedicated public street for a distance of not less than twenty-five (25) feet, or shall have access to a public street by way of a platted private drive, or an easement approved pursuant to the provisions of Section 313 of the Zoning Ordinance.

E. Minimum Setback Requirements:

All structures shall have front, side, and rear setbacks of twenty-five (25) feet from the property lines.

F. Maximum Height:

No structure shall exceed two and one-half stories or thirty-five (35) feet in height, without a Variance.

SECTION 208 - SRD SUBURBAN RESIDENTIAL DISTRICT

A. Intent:

To establish medium density residential areas where central water and/or sewer is provided, excluding uses which are not compatible with residential use but

permitting certain nonresidential uses which are of particular convenience to the residents of the district.

B. Permitted Uses:

Property and buildings may include, but are not limited to the following purposes:

1. Manufactured homes, modular homes, and site or stick-built homes in compliance with Section 204-I.
2. Transportation and utility easements and rights-of-way.
3. Accessory uses and structures (as regulated in Section 204-General District Provisions).
4. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work, and shall require a temporary Building Permit.
5. Family Daycare Home.
6. Home Offices.
7. Community Signs.
8. Telecommunication Facilities in accordance with Section 316.
9. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

The following uses are illustrative of those which the Board may approve. Other uses may be allowed, provided they are not found to be contrary to intended uses of the district under consideration.(See Section 204-F)

1. Multiple-family dwellings.
2. Mobile home parks (as regulated in Section 305 - Mobile Home Parks).
3. Rooming and boarding houses.
4. Convalescent and nursing homes.
5. Family and group care facilities.
6. Home occupations (as regulated in Section 204 - General District Provisions).
7. Parks, playgrounds, play fields, and community centers.
8. Schools, including childcare centers and kindergartens.
9. Churches or similar places of worship.
10. Public service structures, such as fire stations, police stations, and post offices.
11. Libraries, museums and historical monuments and structures.
12. Medical centers.
13. ~~Neighborhood commercial uses (as regulated in Section 302 - Neighborhood Commercial).~~
14. Mobile homes (as regulated in Section 304 - Mobile Homes).
15. Utility substations.
16. Zero lot line or common wall dwellings.
17. Model Home and Sales Office.
18. Manufactured homes, modular homes, and site or stick-built homes not in compliance with Section 204.
19. Small Wind Energy System in accordance with Section 317.

D. Minimum Lot Requirements:

1. Lot Area

- a. For each dwelling and its accessory buildings served by a central water system approved by the Pennington County Health Department and a private water carriage waste disposal system, the lot size shall be at least 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- b. For each dwelling and its accessory buildings served by a central water system approved by the Pennington County Health Department and a private well, the lot size shall be at least 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- c. For each dwelling and its accessory buildings served by both an approved central water system and central sanitary sewer, the lot size shall be at least 6,500 square feet, exclusive of dedicated public streets or platted private drives.
- d. For all other uses and their accessory buildings, the lot area, exclusive of dedicated public streets or platted private drives, shall be adequate to provide the approved water and sewer systems, the yard area required in this district and the necessary off-street parking.

2. Lot Width

- a. All lots shall have a minimum lot width of sixty-five (65) feet at the front building line.
- b. Lots shall abut a dedicated public street for a distance of not less than twenty-five (25) feet or shall have access to a public street by way of a platted private drive, or an easement approved pursuant to the provisions of Section 313.

E. Density Bonus:

1. The Planning Commission may allow a density bonus of 500 square feet per lot if the subdivision is developed for cluster housing. Example: Under conventional development, a 10-acre site would yield a maximum of 67 home sites. If the density bonus were used, 73 home sites would be available.
2. Adequate provision must be made to ensure that common-open space abuts the cluster housing and that no future subdivision of the common-open space shall occur.
3. The Health Department shall approve sewer and water systems for cluster housing.

F. Minimum Setback Requirements:

1. Front Yard
 - a. All structures shall have a front yard setback of twenty-five (25) feet.
 - b. Decks (uncovered) shall be allowed to have a fifteen (15) foot setback.
2. Side Yard
 - a. For a single-story dwelling located on interior lots, side yards shall be not less than eight (8) feet in width.
 - b. For unattached buildings of accessory use, there shall be a side yard of not less than eight (8) feet, provided that unattached one-story buildings of accessory use shall not be required to be set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
3. Rear Yard (Revised 8/10/11)
 - a. For main buildings, there shall be a rear yard of not less than twenty-five (25) feet.
 - b. Unattached accessory buildings shall not be located closer than five (5) feet from the rear lot line.
 - c. Attached decks to the principal structure shall be allowed to have a 15 foot rear yard setback.

G. Maximum Height:

No structure shall exceed two and one-half stories or thirty-five (35) feet in height, without a Variance.

SECTION 209 - GC GENERAL COMMERCIAL DISTRICT

A. Intent:

To establish general commercial areas for the overall general retail, personal, and business services of the County.

~~B. Property and buildings may include, but are not limited to the following purposes:~~

1. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
2. The storage, display, and sale of new; used; repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
3. Barber and beauty shops and schools.
4. Cleaning, dyeing, laundry, pressing, dressmaking, tailoring, and garment and shoe repair shops.
5. Medical and/or dental clinics or offices and hospitals.

6. Hotels, motels, rooming and boarding houses.
7. Clubs and lodges.
8. Eating and drinking establishments.
9. Offices, studios, clinics, and laboratories.
10. Financial and credit institutions.
11. Funeral homes.
12. Bakeries.
13. Auditoriums, libraries, art galleries, museums and other cultural structures, and activities and community centers.
14. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids, and prosthetic appliances.
15. Business and vocational schools not involving operations of an industrial character.
16. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys, and poolrooms.
17. Utility substations.
18. Public buildings and grounds other than elementary or high schools.
19. Churches or similar places of worship.
20. Bus stations.
21. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad repair establishments.
22. Parking lots and garages.
23. New and used motor vehicle sales, rental and repair, including trailers; boat sales; motorcycle sales and service; and travel trailer sales.
24. Mobile home sales, including prefabricated and shell homes.
25. New and used farm implement and machinery sales.
26. Building material sales not to include central mix or transit mix concrete plants and asphalt plants.
27. Outdoor advertising and community signs (as regulated in Section 312 - Signs, Billboards and Other Advertising Structures).
28. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.
29. Vacation Home Rental.
30. Telecommunication Facilities in accordance with Section 316.
31. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

The following uses are illustrative of those which the Board may approve. Other uses may be allowed, provided they are not found to be contrary to intended uses of the district under consideration. (See Section 204-F)

1. Golf driving ranges.
2. Drive-in theaters.
3. Racetracks.
4. Construction equipment sales.
5. Warehousing, wholesale, and distribution establishments.
6. Kennels, catteries, and animal hospitals.
7. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the

opinion of the Commission, are not contrary to the intent of the general commercial district.

8. Adult Amusement or Entertainment establishments, Adult bookstores, Adult motion picture theaters or drive in theaters, Adult photo studios, Adult cabarets, Adult motels, Nude model studios, Adult video stores, and Adult novelty stores in conformance with Section 204-K.
9. Small Wind Energy System in accordance with Section 317.
10. Large Wind Energy System in accordance with Section 317.
11. Recreational vehicle parks as regulated in Section 306.

D. Minimum Lot Requirements:

1. Lot Area

- a. For each principal structure and its accessory buildings served by a central water system approved by the Pennington County Environmental Planner and a private water carriage waste disposal system, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- b. For each principal structure and its accessory buildings served by a central sewer system approved by the Pennington County Environmental Planner and a private well, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- c. For each principal structure and its accessory buildings served by both an approved central water system and central sanitary sewer, the lot size shall be 7,500 square feet, exclusive of dedicated public streets or platted private drives.
- d. For all other uses and their accessory buildings, the lot area, exclusive of dedicated public streets or platted private drives, shall be adequate to provide the approved water and sewer system, the yard area required in this district and the necessary off-street parking.

2. Lot Width

Each lot shall have a width at the front building line of not less than seventy-five (75) feet and which abuts on a public right-of-way at least twenty-five (25) feet.

E. Minimum Yard Requirements:

1. Front Yard

All structures shall have a front yard setback of twenty-five (25) feet.

2. Side Yard

The minimum side yard shall be ten (10) feet except that the width of a side yard, which abuts a residential district, shall be not less than thirty (30) feet and screening may be required.

3. Rear Yard

Each lot shall have a rear yard setback of not less than ten (10) feet. Where a commercial building is serviced from the rear or abuts a street or a residential district, there shall be a rear yard setback of not less than thirty (30) feet.

F. Maximum Height of Structures:

No principal building or structure shall exceed three (3) stories or thirty-five (35) feet in height; whichever is the least, except as provided in Section 204 - General District Provisions. No accessory building or structure shall exceed one (1) story or twenty-five (25) feet in height. Variances may be granted from these height requirements.

G. Off-Street Parking:

As regulated in Section 310 - Minimum Off-Street Parking Requirements.

H. Screening:

When required, screening between residential and commercial zones shall be fencing or shrubbery, which is sufficiently opaque or resistant to penetration to alleviate the apparent nuisance.

SECTION 210 - HS HIGHWAY SERVICE DISTRICT

A. Intent:

To establish areas for highway-oriented businesses and to provide development standards that will not impair or obstruct the traffic carrying capabilities of abutting roads and highways.

B. Property and buildings may include, but are not limited to the following purposes:

1. Hotels and motels.
2. Eating and drinking establishments, including drive-in eating establishments.
3. Service stations and garages.
4. Souvenir, gift, jewelry, arts, and crafts shops.
5. Retail businesses.
6. Coin-operated laundry and dry cleaning establishments.
7. ~~Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges, and miniature golf.~~
8. Public service structures, such as police and fire stations and post offices.
9. Bus stations.
10. Outdoor advertising and community signs (as regulated in Section 312 - Signs, Billboards and Other Advertising Structures).
11. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.
12. Auction house.

13. Model home and sales office.
14. Vacation Home Rental.
15. Telecommunication Facilities in accordance with Section 316.
16. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

The following uses are illustrative of those which the Board may approve. Other uses may be allowed provided they are not found to be contrary to intended uses of the district under consideration. (See Section 204-F)

1. Golf driving ranges.
2. Drive-in theaters.
3. Racetracks.
4. Other highway-oriented businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.
5. Well drilling businesses and accessory exterior equipment and material storage.
6. Recreational vehicle parks as regulated in Section 306.
7. Adult Amusement or Entertainment establishments, Adult bookstores, Adult motion picture theaters or adult drive in theaters, Adult photo studios, Adult cabarets, Adult motels, Nude model studios, Adult video stores, and Adult novelty stores in conformance with Section 204.K.
8. Small Wind Energy System in accordance with Section 317.
9. Large Wind Energy System in accordance with Section 317.

D. Minimum Lot Requirements:

1. Lot Area

- a. For each principal structure and its accessory buildings served by a central water system approved by the Pennington County Health Department and a private water carriage waste disposal system, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- b. For each principal structure and its accessory buildings served by a central sewer system approved by the Pennington County Health Department and a private water carriage waste disposal system, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- c. For each principal structure and its accessory buildings served by both an approved central water system and central sanitary sewer, the lot size shall be 7,500 square feet, exclusive of dedicated public streets or platted private drives.
- d. For all other uses and their accessory buildings, the lot area, excluding dedicated public streets or platted private drives, shall be adequate to provide the approved water and sewer system, the yard area required in this district, and the necessary off-street parking.

2. Lot Width

Each lot shall have a width at the front building line of not less than seventy-five (75) feet of which fifty (50) feet must abut a public right-of-way.

E. Minimum Yard Requirements:

1. Front Yard

All structures shall have a front yard setback of twenty-five (25) feet.

2. Side Yard

Each side yard shall be not less than ten (10) feet. The depth of a side yard, which abuts a residential district or a street, shall be not less than thirty (30) feet.

3. Rear Yard

Each lot shall have a rear yard of not less than ten (10) feet. Where a commercial building is serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet. The depth of a rear yard, which abuts a street or a residential district, shall not be less than thirty (30) feet.

F. Maximum Height of Structures:

No principal building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as otherwise provided. No accessory building or structure shall exceed one (1) story or twenty (20) feet in height. Variances may be granted from these height requirements.

G. Off-Street Parking:

As regulated in Section 310 - Minimum Off-Street Parking Requirements.

SECTION 211 - LI LIGHT INDUSTRIAL DISTRICT

A. Intent:

To establish areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to ~~make provision for certain kinds of commercial uses which are most appropriately~~ located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

B. Property and buildings may include, but are not limited to the following purposes:

1. Manufacturing.
2. Wholesaling.
3. Distributing.
4. Warehousing.
5. Bulk storage.

6. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental art of the main business but not including a concrete batch plant or a transit mix plant or an asphalt plant.
7. Contractor's equipment storage yard or plant or the rental of equipment commonly used by contractors.
8. Freight or truck yard and terminal.
9. Public utility service yard or electrical receiving or transferring station.
10. Auction house, except for the sale of livestock.
11. Tire recapping or retreading.
12. Water treatment, purification, storage, and pumping facilities.
13. Outdoor advertising and community signs (as regulated in Section 312 - Signs, Billboards, and Other Advertising Structures).
14. The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: aluminum; bone; cellophane; canvas; cloth; cork; feathers; felt; fiber; fur; glass; precious or semi-precious metals or stones; shell; rubber; textiles; tin; iron; steel; and wood.
 - b. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - c. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
 - d. Blacksmith and machine shop.
15. Accessory uses and structures on the same premises which are clearly incidental to the permitted use, including sleeping facilities required by a caretaker or night watchman.
16. A retail or service use only when it directly serves or is incidental to the needs of the industrial plants and the employees thereof.
17. Telecommunication Facilities in accordance with Section 316.
18. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

~~Those General Commercial District uses deemed compatible with the surrounding~~
 Light Industrial District may be permitted upon review by the Board upon recommendation from the Commission, according to the provisions contained in Section 510 - Conditional Use Permits.

1. Small Wind Energy System in accordance with Section 317.
2. Small Wind Energy System in accordance with Section 317.

D. Special Provisions:

1. The foregoing use authorizations do not include any of such uses which emit any fumes, vibration, smoke or noise, except the noise of vehicles coming and going, which is detectable from off the premises by the senses of a normal human being and unless all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot.
2. No merchandise shall be displayed for sale in any required front yard.

E. Minimum Lot Requirements:

1. Lot Area

- a. Any principal use together with all accessory uses shall be located on a lot having a minimum area of 20,000 square feet, exclusive of dedicated public streets or platted private drives, if served by a central water system or a central sewer system provided approval is obtained from the Pennington County Health Department.
- b. The lot area, exclusive of dedicated public streets or platted private drives, shall be determined by the private water carriage waste disposal system based on individual requirements and data required by the Pennington County Health Department. When an individual water system is also to be used, the lot size, exclusive of dedicated public streets or platted private drives, will be increased to accommodate both the water and waste systems as approved by the Pennington County Health Department.

2. Lot Width

Each lot shall have a width at the front building line of not less than one hundred (100) feet of which fifty (50) feet must abut a public right-of-way.

F. Minimum Yard Requirements:

1. Front Yard

All structures shall have a front yard setback of twenty-five (25) feet.

2. Side Yard

No building shall be located closer than fifteen (15) feet to a side yard lot line, which must be maintained open as a fire lane. The width of a side yard, which abuts a residential district, shall be not less than fifty (50) feet and the Commission may require screening.

3. Rear Yard

No building shall be located closer than twenty-five (25) feet to the rear lot line. The depth of a rear yard, which abuts a residential district, shall be not less than fifty (50) feet.

G. Maximum Height of Structures:

No building or structure shall exceed four (4) stories or forty-five (45) feet in height except as hereinafter provided in Section 204 - General District Provisions, or with a Variance.

H. Minimum Off-Street Parking and Loading Requirements:

As regulated in Section 310 - Minimum Off-Street Parking Requirements or Section 311 - Off-Street Loading and Unloading Requirements.

SECTION 212 - HI HEAVY INDUSTRIAL DISTRICT

A. Intent:

To establish areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses, and to make provision for commercial uses which are necessary to service the immediate needs of people in their areas.

B. Property and buildings may include, but are not limited to the following purposes:

1. Manufacturing, requiring yard storage and fabrication.
2. Wholesaling, requiring yard storage and assembly.
3. Warehousing, requiring yard storage.
4. Bulk storage.
5. Foundries.
6. General repair and service of trucks and construction equipment.
7. Railroad freight terminal and repair shop.
8. Power plants.
9. Stockyards, feeding pens, and auction houses for sale of livestock.
10. Tannery or curing or storage of raw hides.
11. Sawmills.
12. Rock, sand, gravel, or earth excavation, crushing or distribution.
13. Slaughter of animals, including poultry killing or dressing.
14. Processing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling.
15. Outdoor advertising and community signs (as regulated in Section 312 - Signs, Billboards and Other Advertising Structures).
16. Accessory uses and structures on the same premises which are clearly incidental to the permitted use, including sleeping facilities required by a caretaker or night watchman.
17. Concrete batch plant, transit mix plant, or asphalt plant.
18. ~~Concrete block, precast concrete and prestressed concrete fabrication and storage.~~
19. Structural and reinforcing steel fabrication, welding and storage.
20. A retail or service use only when it directly serves or is incidental to the needs of the industrial plants and the employees thereof.
21. Grain elevators.
22. Auction houses not for the sale of livestock.
23. Telecommunication Facilities in accordance with Section 316.
24. Small Wind Energy System, on 40 acres or more, in accordance with Section 317.

C. Conditional Uses:

1. Solid waste disposal sites.
2. Small Wind Energy System in accordance with Section 317.
3. Large Wind Energy System in accordance with Section 317.

D. Prohibited Uses:

None, so long as uses are consistent with the above intent.

E. Minimum Lot Requirements:

The following requirements shall apply to all uses permitted in this district.

1. Lot Area

Any principal use, together with all accessory uses, shall have a front lot area of adequate size to serve the needs of the proposed use provided that lots of less than 20,000 square feet shall not be allowed.

2. Lot Width

Each lot shall have a width at the front building line of not less than one hundred (100) feet of which fifty (50) feet must abut a public right-of-way.

F. Minimum Yard Requirements:

1. Front Yard

All structures shall have a front yard setback of twenty-five (25) feet.

2. Side Yard

No building shall be located closer than twenty-five (25) feet to a side lot line. The width of a side yard, which abuts a residential district, shall be not less than seventy-five (75) feet.

3. Rear Yard

No building shall be located closer than twenty-five (25) feet to the rear lot line. The depth of any rear yard, which abuts a street or residential district, shall be not less than fifty (50) feet.

G. Minimum Off-Street Parking and Loading Requirements:

As regulated in Section 310 - Minimum Off-Street Parking Requirements and Section 311 - Off-Street Loading and Unloading Requirements.

SECTION 213 - PUD PLANNED UNIT DEVELOPMENT DISTRICT (Revised 2/9/11)

A. General Description:

1. The intent of the Planned Unit Development is to allow districts in which ingenuity, imagination and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments.
2. Planned Unit Developments may be approved in areas designated Planned Unit Development Districts or such Planned Unit Developments may be approved for districts designated Suburban Residential District.

B. Permitted Uses:

1. Property and buildings in the Planned Unit Development are to be planned and organized as a single entity and as one complex land use unit rather than as a group of individual buildings located on separate lots.
2. Uses permitted in the Planned Unit Development may include single-family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood commercial, school sites, parks, Wind Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan.
3. Permitted uses other than single-family dwellings must be located either within the interior of the Planned Unit development or in areas where the adjacent uses outside the boundaries of the Planned Unit Development are compatible.
4. Resort developments where there will be no sale of individual lots shall be considered as a Planned Unit Development. The Commission may waive any portion of this section which is not appropriate to resort development and may require any additional information necessary to determine compatibility of the proposal.

C. Area Regulations:

The following requirements shall apply to all uses permitted in a Planned Unit Development:

1. Yard, setback, lot size, type of dwelling unit, height, frontage ~~requirements and use restrictions may be waived within the Planned Unit Development, provided that the intent of this section is complied with in total development plan as determined by the Commission. The Commission may determine that certain setbacks are required within all or a portion of the site and shall exercise ultimate discretion as to whether the total development plan does comply with the intent of this section.~~
 - a. Setback requirements of the district containing the Planned Unit Development will apply on all major county highways and on all boundaries of the Development.

2. Off-street parking must be provided in each Planned Unit Development and the following factors are to be taken into consideration for such approval:
 - a. Probable number of automobiles and vehicles owned by occupants of dwellings in the Planned Unit Development
 - b. Parking needs of any nondwelling uses
 - c. Varying time periods of use whenever joint use of common parking areas is proposed
3. Approval of a Planned Unit Development does not eliminate the requirements of subdividing. A preliminary plan and plat must be submitted and processed through procedures specified in the Subdivision Regulations.
4. The Commission must be satisfied that the site plan for the Planned Unit Development has met each of the following criteria or can demonstrate that one or more of them are not applicable and that a practicable solution consistent with public interest has been achieved for each of these elements:
 - a. That there is an appropriate relationship to the surrounding area.
 - b. That provisions are made for an internal street system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal streets and walkways may be permitted if they may be used by police and fire department vehicles for emergency purposes. Bicycle traffic shall be considered when the site is used for an area for living purposes. Proper circulation in parking areas for safety, convenience, separation, and screening must be provided. Such streets shall be designed according to generally accepted specifications for residential streets and maintained in good condition.

Minimum right-of-way widths and roadway widths as required in the Subdivision Regulations may be waived by the Commission provided that adequate consideration is given to ingress and egress of emergency vehicles.
 - c. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief, and convenience in function.
 - d. That privacy, in terms of the needs of individual families and neighbors, is provided.
 - e. That there is provisions for pedestrian traffic for safety, separation, convenience, access to points in common areas and attractiveness.
 - f. That building types are appropriate to the density and site relationship.

g. That there are adequate provisions for sewer and water systems as approved by the Pennington County Health Department.

5. The Planned Unit Development may be subdivided or re-subdivided for purposes of sale or lease. An application for approval of a subdivision or re-subdivision will create a new plat line. The procedures applicable to the initial approval of the Planned Unit Development are also applicable to the approval of a subdivision or a re-subdivision.

A subdivision or a re-subdivision may be approved if it does not increase the dwelling unit density of the Planned Unit Development and if the subdivision or re-subdivisions are in compliance with the standards for Planned Unit Developments provided for in this district. At no time shall the common area be subdivided without the consent of the Board upon recommendation of the Commission after proper notice to the public and a hearing.

Any change in the use of any property, in an approved Development, will be subject to the procedures applicable to the initial approval of the Planned Unit Development.

6. Density (dwelling units per acre) may be increased if the character of the development and the advantages incorporated in the development warrant such increases.

D. Application:

A preliminary Planned Unit Development application shall be submitted for consideration by the Zoning Commission to allow for notice procedure set forth under Section 512 - Amendments. Upon submission of a preliminary plan of a sufficient scope to permit preliminary approval, a formal application for approval of a Planned Unit Development shall be filed. The application must include consent by the owners of all property to be included in the Planned Unit. The application must be accompanied by a site plan and a written statement containing:

1. A site plan showing the major details of the proposed Planned Unit Development, prepared to scale, shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the Planned Unit Development. The site plan must contain insofar as applicable the following minimum information:
- a. The existing topographic character of the land
 - b. Proposed land uses
 - c. Location and size of existing and proposed buildings, structures and improvements, including an indication of the buildable area of each lot
 - d. The minimum height of all buildings
 - e. The density and type of dwellings
 - f. The internal traffic and circulation system, off-street parking areas, service areas, loading areas, and major points of access to public right-of-way

- g. The location, height and size of proposed signs, lighting, and advertising devices
 - h. Areas which are to be conveyed, dedicated, or reserved as common areas, including parks and recreational areas and sites for schools and other public buildings
 - i. Drainage pattern and plan for disposing of runoff in such a manner as to protect adjacent property
2. A written statement to be submitted with the Planned Unit Development application must contain the following:
- a. A statement of the present ownership and a legal description of the land included in the Planned Unit Development
 - b. An explanation of the objectives to be achieved by the Planned Unit Development, including building descriptions, sketches, or elevations as may be required to describe the objectives
 - c. A development schedule indicating the approximate date when the construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and to be completed
 - d. Copies of any special agreements, conveyances, restrictions, or covenants which shall govern the use, maintenance, and continued protection of the Planned Unit Development and any of its common area
3. The developer and developers shall submit proof to the Planning Commission that all parks and open spaces shall be dedicated to the Homeowners Association and a performance bond equal to the cost of the improvements shall be posted prior to the final plat being filed.

E. Amendment to the Planned Unit Development:

Amendments to the Planned Unit Development shall be classified as either Major or Minor in character:

1. Major Amendments. Major Amendments to the Planned Unit Development (PUD) shall require the applicant to modify the approved PUD. Revised plans shall be submitted to the Planning Department, and upon submittal of any application for a Major Amendment for a PUD, the applicant shall pay Pennington County the appropriate fee as outlined in Section 511-I Fees.

Amendments shall be considered Major, if they include any of the following:

- a. A change in the PUD boundary;
- b. The use of the land;
- c. Any change in the density, or lot coverage development standards;

- d. Any relocation or reconfiguration of roads or parking areas;
- e. A change in dimensional requirements such as setbacks and building heights for the overall development. An individual lot setback request shall be considered a Minor Amendment; and,
- f. Any addition to the list of allowed uses in the PUD.

Upon review of the proposed amendments to the PUD by the staff, a public hearing shall be established for the review of the changes by the Pennington County Planning Commission and Pennington County Board of Commissioners.

Public advertisement shall be required to be published at least seventeen (17) days prior to the meeting date and shall run in the local newspaper(s) for advertising purposes.

Upon submittal of all the application materials and the required fees, the Planning Department will prepare the Notice of Hearing letters and the Property Owner's List of those persons who own land within the entire PUD and land within 500 feet outside of the PUD boundary. A minimum fee of \$20.00 is added to cover the costs of preparing the Property Owner's List.

The Planning Department shall provide, to the applicant, a sign which is to be posted on the property involved with the Major Amendment to the Planned Unit Development request, in a location with greatest visibility to the public. Said sign shall be placed no less than ten (10) days prior to the public hearing on the request held by the Planning Commission. A \$50.00 deposit (refundable) is required for the sign.

2. Minor Amendments: Minor Amendments to the Planned Unit Development (PUD) shall be construed as all other changes not considered Major Amendments and does not result in a change in the character of the development. Upon the filing of any application for a Minor Amendment for a PUD, the applicant shall pay Pennington County the appropriate fee as outlined in Section 511-I Fees. Amendments not meeting the criteria for a Major Amendment and deemed by the Planning Director to be a Minor Amendment, may be approved by the Planning Commission only.

Upon review of the proposed amendments to the PUD by the staff, a public hearing shall be established for the review of the changes by the Pennington County Planning Commission.

Public advertisement shall be required to be published at least ten (10) days prior to the meeting date and shall run in the local newspaper(s) for advertising purposes.

Upon submittal of all the application materials and the required fees, the Planning Department will prepare the Notice of Hearing letters and the Property Owner's List of those persons who own land within 500 feet of the subject property. A minimum fee of \$20.00 is added to cover the costs of preparing the Property Owner's List.

The Planning Department shall provide, to the applicant, a sign which is to be posted on the property involved with the Minor Amendment to the Planned Unit Development request, in a location with greatest visibility to the public. Said sign shall be placed no less than ten (10) days prior to the public hearing on the request held by the Planning Commission. A \$50.00 deposit (refundable) is required for the sign.

SECTION 214 - FP FLOODPLAIN ORDINANCE

Floodplain considerations for any lands lying within the area of jurisdiction of the Pennington County Flood Damage Prevention Ordinance shall be regulated, according to the provisions of said Ordinance.