

ZONING ORDINANCE

FOR

DEUEL COUNTY

PREPARED BY

THE DEUEL COUNTY PLANNING COMMISSION

**WITH ASSISTANCE FROM
THE FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS**

Zoning Ordinance

Deuel County, South Dakota

Notice of Public Hearing (Planning Commission/County Commission) Published: March 24 & 25, 2004

Public Hearing held by Planning Commission: April 6, 2004 and May 11, 2004
Planning Commission Adoption and Recommendation: May 11, 2004

Public Hearing and First Reading held by County Commission: May 11, 2004
Public Hearing and Second Reading held by County Commission: July 6, 2004
Notice of Adoption Published: July 13,14, 20, and 21, 2004
Effective Date: August 12, 2004

TABLE OF CONTENTS

ARTICLE I	Short Title and Application .....	.3
Section 101.	Title	3
Section 102.	Jurisdiction	3
Section 103.	Provisions of Ordinances Declared to be Minimum Requirements	3
Section 104.	Purpose.....	3
ARTICLE II	Definitions	4
ARTICLE III	Establishment of Districts.....	18
Section 301	Districts.....	18
Section 302	Provision for Official Zoning Map.....	18
Section 303	Interpretation of District Boundaries.....	19
Section 304	.....	19
Section 305	Application of District Regulations.....	19
Section 306	Prohibited Uses.....	20
ARTICLE IV	Nonconforming Uses or Lots of Record	21
Section 401	.....	21
Section 402	.....	21
Section 403	.....	21
Section 404	.....	21
Section 405	.....	21
Section 406	.....	21
Section 407	.....	22
Section 408	.....	22
ARTICLE V	Board of Adjustment, Appeals, Variance, and Special Exceptions.....	23
Section 501	.....	23
Section 502	Appeals, Record of Appeal, Hearing and Stays.....	23
Section 503	Powers and Jurisdiction Relating to Administrative Review.....	24
Section 504	Powers and Jurisdiction Relating to Special Exceptions.....	24
Section 505	Powers and Jurisdiction Relating to Variances.....	25
Section 506	Board of Adjustment has Powers of Administrative Officer on Appeals.....	27
Section 507	Appeals to a Court of Record.....	27
ARTICLE VI	Duties of County Zoning Officer County Board of Adjustment, and Courts On Matters of Appeal.....	28
ARTICLE VII	Schedule of Fees, Charges, and Expenses.....	29
ARTICLE VIII	Enforcement.....	30
Section 801	Enforcing Officer.....	30
Section 802	Right of Entry.....	30
Section 803	Stop Order.....	30
Section 804	Occupancy Violation.....	30
Section 805	Building Permit.....	31
Section 806	Construction and Use to be as Provided in Application, Plan, Permits, And Application for Zoning Compliance.....	31

Section 807	Complaints Regarding Violations.....	32
Section 808	Violation and Penalty.....	32
ARTCLE IX	AMENDMENTS.....	34
Section 901	Petition by Indvial Landowner or by County for Zoning Change.....	34
Section 902	Hearing by Planning Commission on proposed Change – Publication of Notice.....	34
Section 903	Hearing by County Commissioners.....	34
Section 904	Adoption or Rejection by County Commissioners – Publication of Change.....	34
Section 905	Reapplication.....	35
ARTICLE X	Legal Status Provisions.....	36
Section 1001	Separability.....	36
Section 1002	Purpose of Catch Heads.....	36
Section 1003	Effective Date.....	36
ARTICLE XI	Zoning Districts.....	37
Section 1101	“A” Agricultural District.....	37
Section 1101.01	Purpose.....	37
Section 1101.02	Permitted Uses.....	37
Section 1101.03	Special Exceptions.....	37
Section 1101.04	Area Regulations.....	40
Section 1101.05	Height Regulations.....	41
Section 1101.06	Access.....	42
Section 1101.07	Easements/Waivers.....	42
Section 1102	“CI” Commercial/Industrial District.....	43
Section 1102.01	Purpose.....	43
Section 1102.02	Permitted Uses.....	43
Section 1102.03	Special Exceptions.....	43
Section 1102.04	Area Regulations.....	44
Section 1102.05	Access.....	44
Section 1103	“LP Lake Park District.....	45
Section 1103.01	Purpose.....	45
Section 1103.02	Area Contained in “LP” District.....	45
Section 1103.03	Permitted Uses.....	45
Section 1103.04	Special Exceptions.....	45
Section 1103.05	Area Regulations.....	46
Section 1103.06	Shoreline Alterations.....	47
Section 1103.07	Filling, Grading, Lagooning and Dredging.....	47
Section 1103.08	Fence Requirements	48
Section 1104	“NR” Natural Resources District.....	49
Section 1104.01	Purpose.....	49
Section 1104.02	Area Contained in “NR” District.....	49
Section 1104.03	Permitted Uses.....	49
Section 1104.04	Uses Permitted by Special Exception if Deemed Not Detrimental to District.....	49
Section 1105	Aquifer Protection Overlay District.....	50
Section 1105.01	Purpose and Intent.....	50
Section 1105.02	Definitions for Aquifer Protection Overlay District.....	50
Section 1105.03	Delineation and Regulation of Aquifer Protection Overlay Zones.....	52
Section 1105.04	Zone A – Aquifer Critical Impact Zones.....	52
Section 1105.05	Permitted Uses in Zone A.....	52
Section 1105.06	Special Exceptions in Zone A.....	53
Section 1105.07	Prohibited Uses in Zone A.....	53

Section 1105.08	Zone B – Aquifer Secondary Impact Zones.....	54
Section 1105.09	Permitted Uses in Zone B.....	54
Section 1105.10	Special Exceptions in Zone B.....	55
Section 1105.11	Prohibited Uses in Zone B.....	55
Section 1105.12	Performance Standards For Aquifer Protection Overlay Zones.....	55
Section 1105.13	Grant of Permit Alteration of Use.....	57
Section 1105.14	Limitation of County Liability.....	58
Section 1105.15	Underlying Zones.....	58
Section 1106	“TD” Town District.....	59
Section 1106.01	Purpose.....	59
Section 1106.02	Permitted Uses.....	59
Section 1106.03	Special Exceptions.....	59
Section 1106.04	Area Regulations.....	59
ARTICLE XII	General Requirements.....	61
Section 1201	Screening.....	61
Section 1202	Intersection Visibility	61
Section 1203	Refuse.....	61
Section 1204	Unlicensed Vehicles.....	61
Section 1205	Moved in Buildings.....	61
Section 1206	Minimum Water and Sewer Requirements.....	61
Section 1207	Reserved.....	62
Section 1208	Shelterbelt Setback Requirements.....	62
Section 1209	Home Occupation.....	62
Section 1210	Extended Home Occupation.....	64
Section 1211	Animal Units on Small Acreages.....	64
Section 1212	Buildings being moved off County Zoned Property.....	64
Section 1213	Fireworks Retailer and Wholesaler.....	64
Section 1214	On-and-Off Site Signs.....	64
Section 1215	Energy System (Wes) Requirements.....	66
Section 1215.01	Applicability.....	66
Section 1215.02	Federal and State Requirements.....	66
Section 1215.03	General Provisions.....	66
Section 1216	Wireless Telecommunications Towers and Facilities.....	70
Section 1216.01	Purpose.....	70
Section 1216.02	Definitions.....	71
Section 1216.03	Development of Towers.....	72
Section 1216.04	Setbacks.....	74
Section 1216.05	Structural Requirements.....	74
Section 1216.06	Separation or Buffer Requirements.....	75
Section 1216.08	Illumination.....	75
Section 1216.09	Exterior Finish.....	75
Section 1216.10	Modification of Towers.....	75
Section 1216.11	Certifications and Inspections.....	76
Section 1216.12	Maintenance.....	77
Section 1216.13	Criteria For Site Plan Development Modifications.....	77
Section 1216.14	Abandonment.....	79
ARTICLE XIII	CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS	
Section 1300	Intent.....	80
Section 1301	Animal Units.....	81
Section 1302	Classes of Concentrated Animal Feeding Operations.....	82
Section 1303	Concentrated Animal Feeding Operation Permit Requirements.....	82
Section 1304	Concentrated Animal Feeding Operation Control Requirements.....	82

